

GOVERNMENT OF MADHYA PRADESH\



REPORT
OF THE
Madhya Pradesh
Prohibition Enquiry Committee
1951

NAGPUR

GOVERNMENT PRINTING, MADHYA PRADESH

1952

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No. PN-322

PROHIBITION ENQUIRY COMMITTEE, MADHYA PRADESH

FROM

DR. M. B. NIYOGI, M.A., LL.M., LL.D. (HON.),
CHAIRMAN, PROHIBITION ENQUIRY COMMITTEE,
MADHYA PRADESH,

TO

SHRI K. B. L. SETH, I.C.S.,
CHIEF SECRETARY TO GOVERNMENT,
MADHYA PRADESH.

Nagpur, the 15th January 1952.

SIR,

I forward herewith the Final Report of the Prohibition Enquiry Committee appointed by the Government of Madhya Pradesh by Notification No. 52-51-VIII, dated the 9th January 1951, to enquire into the working of Prohibition, assess the results of that measure and make recommendations as to the future course of action. Originally, there were ten terms of reference relating only to liquor, but they were supplemented by a subsequent Notification No. 187-188-VIII, dated the 30th of January 1951, relating to narcotic drugs, viz., Ganja, Bhang and Opium.

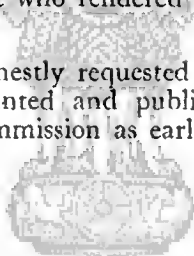
2. The particulars of the process of the enquiry are fully set forth in the opening part of the Report herewith submitted. The Committee had presented their Interim Report containing their conclusion on facts contemplated in the terms of reference as also their Recommendations in August 1951.

3. The Committee are unanimous as to the main recommendations for the future, namely, Individual Rationing in place of both Excise and Prohibition. They are divided, however, with respect to their findings and their recommendations for the implementation of Individual Rationing. The majority views are contained in this report and the minority views in the separate report submitted by Shri P. Kodanda Rao. Even so, the Committee are at one in answering that there is no elimination of the Drink Evil, but they differ as to the measure of the reduction thereof in the Prohibition areas. While the majority of four members including the Chairman take the view that there has been no appreciable reduction and that the Evil has gone underground, Shri P. Kodanda Rao is definitely of the opinion that there has been reduction in the quantity of liquor consumed in dry areas to the extent of 80 per cent, but that there has been a substantial increase in consumption in the wet areas. He has recorded a separate Minute of Dissent, which is also forwarded with the main report.

4. There has been, indeed, a delay which may appear inordinate, in the preparation of the Report, but this was unavoidable for the reasons that there was no special staff given to the Committee, that the members, official and non-official, could not devote their full time to the task on account of their usual preoccupations with their official and professional work, and that considerable time was taken up with the collection and scrutiny of the statistical data, which on some points was not readily accessible, and on some, not adequately available, e.g., figures of illicit distillation in urban and rural areas in the districts, and those relating to youthful offenders. It may be noted here that it would greatly facilitate the study of such social problems as the one under report, if the statistical data are collected and classified in a more scientific manner as required by the modern statistical methods.

5. I take this opportunity to tender, for myself and on behalf of the Committee, our heart-felt thanks to all those who gave to the Committee the benefit of their knowledge of facts, and their views by personally appearing before the Committee or by sending their memoranda in response to the Questionnaire issued to them. The public spirit which prompted them to accord their ready and willing co-operation merits high appreciation. Acknowledgment of indebtedness is also due to those in the Excise Commissioner's office, who rendered valuable assistance in various ways, as also to the Secretary of the Committee who rendered considerable help to the Chairman in drafting the report.

6. In conclusion, it is earnestly requested that the Report with the Dissenting Minute should be printed and published, and a copy thereof be forwarded to the Planning Commission as early as possible.



Yours faithfully,

M. B. NIYOGI.

*Chairman, Prohibition Enquiry Committee,
Madhya Pradesh.*

REPORT OF THE MADHYA PRADESH PROHIBITION ENQUIRY COMMITTEE, 1951

PART I.—INTRODUCTORY

CHAPTER I.—INTRODUCTORY

The Government of Madhya Pradesh appointed a Prohibition Enquiry Committee to inquire into the working of Prohibition and to make recommendations to Government, in their Notification No. 52-51-VIII, dated the 9th January 1951, consisting of the following :—

Chairman

- (1) Dr. M. B. Niyogi, M.A., LL.M., LL.D. (Hon.), retired Chief Justice of the High Court of Judicature at Nagpur.

Members

- (2) Shri P. Kodanda Rao, M.A., Senior Member, Servants of India Society
- (3) Shri G. L. Shrivastava, M.A., LL.B., Advocate, Sagar.
- (4) Shri V. B. Sapre, B.A., LL.B., Advocate, Akola.
- (5) Shri Raghoraj Singh, M.A., LL.B., I.A.S., Secretary, Separate Revenue Department, Member-Secretary.

The reasons for appointing the Committee were explained by Government in a Press Note, dated the 9th January 1951 :—

“Prohibition was introduced in this State for the first time in Sagar district in the year 1938. Since then it has been extended to nearly half the area of the State. The objective of Government in introducing prohibition was to ameliorate the moral, social, economic and physical condition of the people. Public opinion with regard to the results so far achieved, however, appears to be sharply divided. A stage has now been reached to make an attempt to assess the real results of this measure and to decide the future course of action. Government have accordingly decided to appoint a Fact Finding Committee consisting of four non-officials with the Secretary for Separate Revenue Department as Member-Secretary of the Committee to inquire into the various aspects of the policy of prohibition and to make recommendations regarding them.”

The terms of reference of the Committee were—

- (1) examine how far Prohibition has been effective in achieving its primary objective of eliminating or reducing the Drink Evil;
- (2) examine whether it has given an impetus to malpractices, such as illicit distillation and smuggling and consumption of deleterious substances;
- (3) examine whether and, if so, how far it has contributed to the development of Law in general;
- (4) examine whether and, if so, how far it has led to corruption;
- (5) inquire whether it has resulted in any improvement of the economic, social and physical condition of the drinking classes, and whether the general standard of living has been in any way affected and if so, how far;

- (6) ascertain what effect, if any, it has had on the efficiency and well-being of labour in the industrial areas;
- (7) examine what effect, if any, it has had on juveniles and juvenile delinquency;
- (8) examine what effect, if any, it has had on the general financial position and inflationary pressure;
- (9) examine how far has the policy of Prohibition received the active support of the people in general; and
- (10) make recommendations with regard to the policy the State Government should adopt in future.

It was supplemented by another Notification No. 187-188-VIII, dated the 30th January 1951, referring to the Committee the following further points, viz.—

“The Committee shall also examine how far the policy of Prohibition with regard to narcotic drugs, *e.g.*, Ganja, Bhang and Opium, has achieved its objective of eliminating or reducing the drug habit, and to what extent the present Excise policy in respect of these drugs needs modification both in the ‘wet’ and ‘dry’ areas in the State.”

The Committee drew up a Questionnaire covering the terms of reference. Three thousand copies were circulated to Members of the Legislative Assembly, office-bearers of Congress Committees, Labour Unions, Political, Religious and Social Organizations, Women's Organizations, Municipal Committees, Chambers of Commerce, Heads of Educational Institutions, Religious Heads, Presidents of Bar Associations, Doctors, Lawyers and Editors of Newspapers. The Questionnaire was published in the Press and a general invitation was issued to the public to give evidence before the Committee. The itinerary of the Committee was published in advance in the Press. The Committee feels that the response from the public was satisfactory and that it was able to collect adequate data on which to base its conclusions and its recommendations.

2. The Committee visited Raipur, Jagdalpur, Amravati, Akola, Jabalpur, Sagar, Wardha, Damoh and Sconi. It inspected outstills, liquor shops and the Seoni Distillery. The Committee also paid visits to industrial and mining areas, labour chawls and met prisoners in jail at Akola. The number of sittings it held and the dates on which the Committee worked are given below :—

Serial No.	Number of sittings	Dates	
		From	To
(1)	(2)	(3)	(4)
1	9	16-1-51	24-1-51
2	2	26-1-51	27-1-51
3	6	29-1-51	3-2-51
4	6	5-2-51	10-2-51
5	3	12-2-51	14-2-51
6	6	10-3-51	15-3-51
7	9	29-5-51	6-6-51
8	2	30-7-51	2-8-51

3. The Committee first assembled on the 16th January 1951 and it was constantly in session up to the 15th February. It again assembled on the 1st March and continued its work till the 15th of March. The Committee examined 559 witnesses in all and received 272 memoranda.

4. The Committee invited the views of all Deputy Commissioners and District Superintendents of Police and examined the Chief Secretary, the Inspector-General of Police, the Finance Secretary, the Labour Commissioner, Director of Public Health and Prisons and several other Heads of Departments.

5. The Committee studied administrative reports of Madhya Pradesh and other States and a number of books dealing with prohibition, traffic in liquor and licensing laws. A bibliography is appended at the end of the report.

6. The Committee wishes to acknowledge with thanks the assistance given to it by both officials and non-officials. It is particularly indebted to those who kindly favoured it with their views and suggestions. The Committee's grateful thanks are also due to the United States Information Service for the loan of a number of books of reference.

Method of Inquiry.—It was announced that the enquiry was public and that it was open to any member of the public to appear before it and give evidence. All those witnesses, who were either invited or voluntarily appeared to give evidence before Committee, were examined. They were allowed an option to give the evidence orally or in writing. The requests of the witnesses who desired to give their evidence *in camera*, were respected, and the Press was generally present during the proceedings of the Committee. Persons having special or intimate knowledge were invited by the Committee to appear in person or to send written memoranda. The Committee tried to explore every possible source from which light could be thrown on the subject.

CHAPTER II.—HISTORY OF THE EXCISE POLICY IN MADHYA PRADESH

(A) British Policy up to 1904—Abkari as a Source of Revenue

In order to facilitate understanding of the problem under consideration in its real nature and proper perspective, it is desirable to review the development of the Excise Policy in the State of Madhya Pradesh.

2. During the Bhonsla Rule, Excise Tax known as Kalali or Abkari was collected in the same way as land revenue, *i.e.*, by farming out the right to manufacture and sell spirituous liquor to the highest bidder. The early British Administration succeeded to the practice of its predecessor and regarded it purely as a source of revenue. As the Central authority did not make itself felt so effectively in this branch of Government as in others but left it more to the individual judgment of District Officers, the system of Excise administration fluctuated from one phase to another and from one area to another, according to varying circumstances.

3. In 1904 the local administration had appointed a Committee—(The Central Provinces Excise Committee, 1904)—to examine the various systems of Excise, in force in the Province, and to make proposals for reorganisation and reform. That Committee, after detailed investigation into the Administration of Excise in the State including the methods of supply and vend of

country spirit, made recommendations which formed the basis of the subsequent Excise system in the State. The Local Administration in its Resolution No. 8201, dated the 23rd December 1904, summed up the proposals of the Committee, in regard to the country spirit in the following words :—

“The report begins with the branch of Abkari system which is most important both to the people and the public revenue, *viz.*, that which concerns country distilled liquor. The aims and scope of a correct policy under this heading, as now understood, may be defined as an effective provision for the exclusive supply of distilled liquor of a nature and strength acceptable to the local consumers, under guarantee of purity, at the lowest possible cost of manufacture and transport of which all that is consumed prepays taxation per gallon at a rate which just falls short in every area of the rate which will induce uncontrollable illicit practices, and is retailed under such circumstances as to ensure a thorough control at a minimum cost, and place it within the reach of all who demand it without prohibitory difficulty on the one hand and without undue facility or temptation to drink on the other.”

(B) British Policy—Temperance—Primary; Revenue—Secondary

In the following year, 1905, the Government of India appointed the Indian Excise Committee, and in their resolution No. 5001-EXC., dated the 7th September 1905, appointing that Committee summarised the general lines of Excise Policy which had been laid down from time to time by the Government of India for the guidance of Local Governments, in these terms :—

“The Government of India have no desire to interfere with the habits of those who use alcohol in moderation and it is necessary in their opinion to make due provision for the needs of such persons. Their settled policy, however, is to minimise temptation to those who do not drink and to discourage excess among those who do, and to a furtherance of this policy, all considerations of revenue must be absolutely subordinated. The most effective method of furthering this policy is to make the tax upon liquor as high as it is possible to raise it without stimulating illicit consumption to a degree, which would increase instead of diminishing the total consumption and without driving people to substitute deleterious drugs for alcohol, or a more or less harmful form of liquor. Subject to the same consideration, the number of liquor shops should be restricted as far as possible and their location should be periodically subject to strict examination with a view to minimize the temptation to drink and to conform as far as is reasonable to public opinion. It is also important to secure that the liquor which is offered for sale is of good quality and not necessarily injurious to health.”

The Indian Excise Committee, 1905, in terms of its appointment, examined the Excise Administration in every State to consider how far it was calculated to give the fullest practical effect to the policy as described above. In regard to the general Excise position in the Central Provinces that Committee remarked as follows :—

“The Local Government has already taken the question of the reduction of the number of shops thoroughly in hand, and the Committee's advice as in the case of the still-head duty was in the direction of deprecating too sudden a reform. The country is difficult to traverse and the

population comparatively scattered, and the wide distribution of outstills in the past has spread the knowledge of distilling among the people. It is, therefore, necessary to proceed with caution in increasing the price of country spirit and reducing the number of shops lest the result should be, as it has been before, a replacement of licit by illicit consumption."

(C) 1921 to 1937—First Reformed Legislative Council—Movement towards Prohibition

The First Reformed Legislative Council, Central Provinces and Berar, in August 1921, adopted the following resolution :—

"This Council recommends to the Government to stop within as short a period as may be practicable the sale of country liquor through the whole Province."

The recommendation in this form was accepted by Government as a compromise with advocates of immediate and total Prohibition. In accepting the amended resolution quoted above, the Honourable the Minister for Excise declared on behalf of the Government as follows :—

"In view of the strong Indian sentiment in favour of total abstinence and in view of the dangers of abuse, Government is prepared to accept Prohibition as the ultimate goal of its Excise Policy."

He, however, explained that while accepting Prohibition as the ultimate goal, Government was unable to define any specific period within which that goal could be attained. As regards the administrative measures, he explained that to reduce drinking facilities as much as possible, measures such as reduction of shops, hours of sale, strength of liquor, limitation of supplies, facilities at fairs and festivals, would be followed much more vigorously than in the past, consistent with safety and avoidance of illicit distillation.

It may be noted here that there was a fundamental difference between the old and the new policy. The old policy aimed at temperance, *i.e.*, at attaining stability at a point at which excessive drinking would be discouraged without at the same time interfering unduly with the habits of the people who are accustomed to moderate drinking. The new policy aimed at Prohibition, *i.e.*, total abstinence, and directed its restrictive measures to the extinction of even moderate drinking. The success of either policy, it is clear, depended on complete control over the manufacture of not only licit but of illicit liquor.

In 1935, the Central Provinces Government, by Resolution No. C-259-195-XI, dated the 1st June 1935, appointed a Committee "to review the working of the policy of Prohibition, its effect on the finances of the Province, the success or failure of the measures taken to enforce it, and the question whether any modification of those measures is advisable in the light of experience".

That Committee, after necessary investigation, came to the conclusion that the persistent pressure of restrictive measures particularly high prices, and the curtailment of facilities of obtaining licit liquor operated to reduce the consumption of licit liquor on the one hand and to a phenomenal increase in the consumption of illicit liquor, on the other, involving enormous loss of revenue. It also pointed out in unequivocal terms that the Prohibition Policy had resulted in the loss of administrative control, and that it was essential to re-establish it.

The Committee recommended a "Zonal" Policy of Excise reform in view of the heterogeneous nature of the State. It suggested that the various tracts of the State should be brought under Prohibition only after preliminaries as regards propaganda and educating the public opinion had been completed. The Committee made it clear that in the zone comprising the aboriginal areas, Prohibition must remain a distant ideal and that it would be a grave error to experiment with any preconceived ideas of total prohibition in those tracts. The Committee was struck by the almost complete absence of any public effort in support of the prohibition ideal laid down by the Legislative Council.

(D) Immediate Prohibition—Swing of the Pendulum

Then in 1937 came on the scene the Government of the Congress party. With the accession of that party to power, the Excise Committee Report of 1937, was shelved. On the 7th December 1937, the Government introduced the Central Provinces and Berar Prohibition Bill, 1937, which had been published in the *Central Provinces and Berar Gazette* Extraordinary, dated the 29th November 1937. The Honourable Mr. P. B. Gole, Minister for Revenue, while moving for reference of the Bill to the Select Committee dealt with the two-fold difficulty that beset the path of Prohibition, *viz.*, illicit distillation and sacrifice of revenue, which was needed for development. Mr. Gole after observing "both these are bogies which need not frighten any thoughtful person", proceeded to describe the ways of overcoming the lion in the path, in these words—

"Like every other social disease and vice illicit distillation thrives in an atmosphere of secrecy, and popular apathy. It throve in the past because we failed to expose it to the concentrated light of social odium. In this Province, as elsewhere in India, there is abundant social, religious, and traditional disapproval of the drink habit, but we have so far failed to encourage or marshal this sentiment by means of systematic propaganda. Once we organise our forces, as we propose to do now, I feel confident that we shall triumph over illicit distillation. In order to achieve this purpose we shall not depend so much on our administrative machinery, but on the active co-operation of non-official workers. I refer in particular to Anti-Drink Committees which we propose to set up under Clause 5 in every Tahsil and Taluq or such smaller area as may be prescribed. We also intend to set up a provincial anti-drink organisation for co-ordinating all efforts in the cause of Prohibition."

He further said that the Government would use all the resources of the State as well as enlightened public opinion to enforce Prohibition.

As to the loss of revenue, he said—

"Is there in reality a loss of revenue? We raise revenue to spend it on the betterment of the Tax-payer himself, and what better object could we spend it on than on the improvement of the poorer sections of the community such as constitute the majority of the drinking classes? If we eradicate drink habit, we increase their purchasing power and spare their hard-earned wages for their women-folk and children, wages that are now wasted"

He, however, exempted Europeans, Members of the Armed Forces and the Aborigines from the operation of Prohibition Act.

It is evident from the passage quoted above that the success of Prohibition was made dependent not so much on administrative machinery as "the social, religious and traditional disapproval of the drink habit and the active co-operation of the non-official workers specially, the Anti-Drink Committees".

It is significant to note here that the Prohibition Act was put in the form of conditional legislation, i.e., it invested the Government with the discretionary power to determine the circumstances in which it could be applied to any areas (besides those specified in the Act itself).

CHAPTER III.—MEASURES TAKEN BY GOVERNMENT TO IMPLEMENT THE POLICY OF PROHIBITION

I. Legislative Measures.—The Central Provinces and Berar Prohibition Act was passed by the Legislature and brought into force from the 1st April 1938, in certain areas of the State covering 9,333 square miles, viz.—

- (i) the whole of the Sagar district,
- (ii) the Narsinghpur sub-division of the Hoshangabad district,
- (iii) the Akot taluq of Akola district, and
- (iv) the industrial towns of Hinganghat, Badnera and Katni-Murwara.

The area under Prohibition was further increased to 15,277 square miles from the 1st January 1939 by making the whole of the districts of Akola and Wardha "dry". Sale and consumption of Charas throughout the State were also prohibited with effect from the 1st January 1939. From the 1st January 1940, the area under prohibition was further increased to 22,287 square miles and the whole of the Warora and Brahmapuri tahsils of the Chanda district, the town of Buldana and the whole of the Raipur district except certain zamindaris were declared "dry".

The Prohibition Policy received a set-back during the period of World War II. In 1944, the Act was amended by insertion of Section I-A empowering the State Government to declare by Notification that the Act would cease to be in force in the areas to which the Act had been directly applied. The town of Katni-Murwara was excluded from Prohibition and the policy of Prohibition was suspended. On assumption of office, the Congress Government again took up the question and with effect from the 1st October 1946 added another 17,358 square miles to the then already existing "dry" area, and chalked out a programme of making the whole State "dry" within four years. The following tentative programme was approved for the introduction of Prohibition by stages :—

- 1st Year.—Nagpur district, Amravati district, except Melghat taluq, Nimar district, old Hoshangabad district, Durg tahsil of the Durg district, Janjgir tahsil of the Bilaspur district, and Katni town in the Jabalpur district.
- 2nd Year.—Buldana district, Bhandara district, Chanda district except Sironcha tahsil, and Bilaspur district except Katghora tahsil.

3rd Year.—Jabalpur district, Yeotmal district, and Balaghat district except Baihar tahsil.

4th Year.—Betul district, Chhindwara district, Mandla district, Sironcha tahsil of the Chanda district, Baihar tahsil of the Balaghat district, Melghat taluq of the Amravati district, Sanjari-Balod and Bemetara tahsils of the Durg district, Katghora tahsil of the Bilaspur district, and rest of the Raipur district.

By Notification No. 662-800-VIII, dated the 5th August 1946, the Act came into force on the 1st October 1946, in the following areas :—

- (1) The whole of the Nagpur district.
- (2) Amravati district except the Melghat taluq.
- (3) The whole of the Nimar district.
- (4) The Hoshangabad, Sohagpur, Harda and Seoni-Malwa tahsils of the Hoshangabad district.
- (5) The Durg tahsil of the Durg district.
- (6) The Janjgir tahsil of the Bilaspur district.
- (7) Katni-Murwara town of the Jabalpur district.

By 1st October 1946, an area of 39,643 square miles comprising a population of 8,043,000 had been declared "dry".

In terms of that Act the undermentioned measures were taken :—

- (1) By Notification No. 609-465-VIII, dated the 26th May 1938, the Excise Commissioner was appointed to be the Prohibition Commissioner and the District Excise Officers, Excise Inspectors and Sub-Inspectors, Excise Jamadars, Excise peons were invested with powers of the duties of a Prohibition Officer.
- (2) By Notification No. 928-961-VIII, dated the 9th August 1938, every Officer of the Forest Department above the rank of a Deputy Ranger was appointed Prohibition Officer within the limits of his jurisdiction for the purpose of section 43 of the Prohibition Act.
- (3) By Notification No. 929-961-VIII, dated the 9th August 1938, District Superintendents of Police and Additional District Superintendents of Police, Police Inspectors and Sub-Inspectors, Head Constables, Assistant Commissioners, Extra-Assistant Commissioners, Tahsildars and Naib-Tahsildars, Revenue Inspectors and Forest Officers above the rank of Deputy Rangers were also invested with certain powers under the Prohibition Act.
- (4) By Notification No. 732-705-VIII, dated the 1st August 1938, Anti-Drink Committee Rules were published providing for constitution of Anti-Drink Committees in Municipal and Notified Areas and Revenue Inspectors' Circles charged with the following duties :—
 - (a) to carry on propaganda in favour of prohibition;

- (b) to secure the co-operation of voluntary and honorary workers in the discharge of their duties;
 - (c) to initiate and foster Social movements against drink;
 - (d) to encourage drink addicts to abstain from drink and to stimulate the provisions of counter-attractions, e.g., refreshment booths, sports, etc.;
 - (e) to render all assistance within their power to the official preventive staff stationed or operating in their areas in the prevention, detection, investigation, and prosecution of excise crimes; and
 - (f) to adopt such measures as may be considered necessary for the success of complete prohibition in the area entrusted to its charge.
- (5) The Prohibition Act itself laid a duty on every official of the Government, local body, or Court of Wards, every village headman, accountant, village watchman and every member of the Anti-Drink Committee to give immediate information to the nearest police station or to a prohibition officer of all breaches of the Act and take all reasonable measures within his power to prevent the commission of such breaches.
- (6) Similar duty was imposed on all owners and occupiers of land or their agents to report to a Magistrate, Prohibition Officer, Police or Revenue Officer, cases of tapping for toddy or manufacture of liquor.

When the question of adopting the second phase of the prohibition programme came up for decision, the State Government's hand was stayed by financial considerations.

In 1948, fourteen Chhattisgarh States and the Makrai State were integrated with the State of Madhya Pradesh. The number of liquor shops were reduced in these States and the whole of the Makrai State was made "dry". The Provincial Excise and Opium Acts were also extended to these States.

With effect from the 1st January 1948, the sale and consumption of opium, ganja and bhang were also prohibited in the "dry" areas, as it was found that after the introduction of the Prohibition Act, many liquor addicts in the "dry" areas had taken to drugs. At present the total area under Prohibition is 39,643 square miles and comprises one-third area of the State, with a population of 8,043,000 souls*, representing about 48 per cent of the total population of the State (excluding the merged States), as detailed below :—

- (1) The whole of the Sagar district.
- (2) The whole of the Hoshangabad district.
- (3) The whole of the Wardha district.
- (4) The whole of the Nagpur district.
- (5) The whole of the Akola district.
- (6) The whole of the Nimar district.
- (7) The whole of the Amravati district except Melghat taluq.

*According to Census of 1941.

- (8) The whole of the Raipur district except certain zamindaris.
- (9) Warora and Brahmapuri tahsils of Chanda district.
- (10) Durg tahsil in Durg district.
- (11) Buldāna town in Buldana district.
- (12) Katni-Murwara town in Jabalpur district.
- (13) Janjgir tahsil of Bilaspur district.

II. Enforcement.—Many steps were taken from time to time by Government for the effective enforcement of prohibition of liquor and reduction in consumption of liquor and drugs in the areas which have not yet been made "dry". The duties of detection and prevention of offences under the Act were entrusted to the Police Department as it possessed a bigger and better equipped force than the Excise and also to remove any possible misapprehension that the Prohibition Law would not be enforced with rigour. The Excise staff has also been assisting in the prevention and detection of prohibition crime. In Akola district, a special police staff consisting of a Deputy Superintendent of Police, six Sub-Inspectors, 12 Head Constables and 24 Constables was employed from the 1st April 1940. This staff was amalgamated with the district staff from April 1941 and the Deputy Superintendent of Police was withdrawn. As it was realised that the ordinary police staff, with its multifarious duties, was not able to pay proper attention to the complete eradication of crime under the Act, a special staff consisting of a Deputy Superintendent of Police, an Inspector, 22 Sub-Inspectors, 45 Head Constables and 154 Constables was sanctioned for being employed exclusively on Prohibition work. The annual cost of the staff was Rs. 1,95,934. This staff sanctioned in 1946, continued to do its work till 1950, when it was abolished under the stress of financial stringency.

III. Control of Mahua.—Possession and the sale of mahua which is the chief base employed for the manufacture of liquor was restricted by bringing into force the Mahua Rules in "dry" areas of the State. Under these Rules, no person in a Prohibition area can, except under the authority and subject to the condition of a licence or permit, import into, export from, transport, collect, sell or possess mahua flowers in a quantity exceeding five seers. The Rules aim at minimising chances of illicit distillation.

IV. Shopless zones and other measures.—Refreshment room liquor shops were closed down. Possession of country spirit in the shopless zone was also prohibited. The sale of certain tinctures which were being used as beverages was forbidden except as a constituent in the mixtures prescribed by doctors. The manufacture and sale of certain Ayurvedic Suras was also banned as they were being used for potable purposes.

V. Drunkenness in "dry" areas—Stricter measures.—Drunkenness in "dry" area irrespective of the place where liquor was consumed was made an offence. The exemption from the provisions of the Prohibition Act in favour of non-Asiatics was also withdrawn.

VI. Higher Permit Fee for Foreign Liquor imposed.—The permit fees of F. L. XII and F. L. XII-A for consumption of foreign liquor was also raised from Rs. 10 and Rs. 15 to Rs. 100 and Rs. 150 with effect from the 11th February 1947. Temporary permits to travellers for consumption of liquor were

stopped. Duty on foreign liquor was enhanced from Rs. 30 to Rs. 56-4-0 per proof gallon with effect from the 1st January 1948 in order to reduce its consumption.

VII. Propaganda.—It was recognised from the very beginning that a condition precedent to the successful prohibition policy was the creation of a strong public opinion against the evil of drinking. To achieve this, propaganda was carried on by means of magic lanterns, lectures, posters, leaflets, films and songs in Hindi and Marathi. Excise Officers displayed magic lantern-shows in towns and villages until this work could be taken up by the seven paid propagandists appointed in the last quarter of 1938. A paid temperance propagandist carried on propaganda against the drink evil in Nagpur town till the district was made "dry". The posts of the paid propagandists were abolished with effect from the 1st April 1948 as Government decided that the propaganda work should be carried out under the Adult and Social Education Scheme.

VIII. Anti-Drink Committees.—A provision was made in the Prohibition Act for the constitution of Anti-Drink Committees but prior to the issue of statutory rules in August 1938 and the constitution of Committees formed thereunder, unofficial Committees had been formed in several centres but no headway could be made partly for want of funds and partly owing to their informal status. Instructions for the guidance of Anti-Drink Committees were issued by Government in October 1938. Committees were formed for each Municipal area and each Revenue Inspector's circle in the "dry" areas to enlist active support of the non-officials.

Prohibition has not led to any reduction in the Excise staff, because the administration of Sales Tax Act, Tobacco Act, Sale of Motor Spirit and Lubricants Taxation Act and other Fiscal Acts were entrusted to it.

IX. Revenue.—The total loss of revenue up to 1950 on account of the introduction of Prohibition has been, as we understand, Rs. 10 crores approximately.

CHAPTER IV.—REGULATION OF THE MANUFACTURE, SUPPLY AND DISTRIBUTION OF LIQUOR AND OTHER DRUGS

For an appreciation of the problem of prohibition of liquor and drug and the difficulties encountered in its enforcement, it is necessary to have a rough idea of the system of regulation of liquor and drug traffic. An attempt has been made in the following paragraphs to describe the system prevailing in this State.

The Excise Department is entrusted with the administration of the laws and rules relating to the manufacture, possession, sale, import, export and transport of liquor, intoxicating drugs and with the assessment and collection of revenue from each of these sources. Policy and administration are controlled by a Minister. The Excise Commissioner is the head of the department. The Deputy Commissioners are responsible for the Excise administration of their districts, subject to the general control of the Excise Commissioner.

Under the Excise Act, the manufacture and sale of liquor is forbidden except under a licence. By "liquor" is meant any intoxicating liquor, including spirits, wine, toddy, beer and all drinks containing alcohol. Licences for the manufacture or sale of country spirit are generally disposed of by auctions. "Country spirit" means spirit distilled from mahua or molasses. Country spirit is manufactured at Government distilleries by a contractor, who is granted this right under a licence issued by the Excise Commissioner. Country spirit at distilleries is manufactured and stored under the direct supervision of the Excise staff. Under the terms of the licence, he is required to supply country spirit at high strengths to a fixed number of Government warehouses as long as his licence is in force. The stock of country spirit is removed from distillery to warehouses without payment of any duty and such transports are called "issues under bond". Country spirit is stored in big wooden vats which are secured by Government revenue-locks. Country spirit is removed from distillery to warehouses under a pass issued by the Excise Department.

At the Government warehouses strong country spirit received from the distillery is stored and reduced to weaker strengths by the addition of water for issue to retail contractors for sale to the consumers. As long as country spirit remains in warehouses, it remains the property of the distillery contractor. On or about the 5th of each month, the distiller sends a bill to the Deputy Commissioners on account of the cost price of liquor (country spirit) issued during the preceding month from each of the warehouses, which is fixed at the time of grant of licence to work a distillery. The distillery contractor's bills are sanctioned and paid after proper scrutiny by the Deputy Commissioners.

By "proof strength" is meant a standard strength for assessment of duty on spirit. This term has reference to the method formerly employed in testing the strength of spirit. A certain amount of spirit was poured on gunpowder and a light was applied to the gunpowder. If the spirit was overproof, the gunpowder immediately caught fire and if it was underproof the powder was moistened by the water in the spirit and did not take fire. The accepted standard of strength is known as 'London proof', which is a mixture of alcohol and water which shall at a temperature of 51° F. weigh exactly 12/13th part of an equal measure of distilled water. 100 volumes of proof spirit contains 57.06 volumes spirit and the rest water. "Overproof" spirit is stronger and "underproof" spirit is weaker than proof strength.

Sale of country spirit is forbidden except under a licence. Licence for the retail sale of "Excisable articles", which term includes country spirit, ganja, bhang and opium. Licences are ordinarily granted for the calendar year, generally by open auction by the Deputy Commissioners. Anyone who offers the highest licence fees for the privilege to sell excisable articles at a particular shop is deemed to be the highest bidder and the retail sale licence is thereby granted to him. The bidders become retail contractors and they sell country spirit, opium, ganja and bhang from their shops, between fixed hours and at fixed selling rates. Certain other conditions for the working of the shops are binding on these retail contractors. The retail contractors draw their supplies of country spirit, opium, ganja and bhang from Government warehouses.

A retail contractor of country spirit is required to pay the issue price of country spirit into a Government treasury before drawing his supplies. "Issue Price" includes cost price and the rate of duty in terms of London proof gallons. This rate of duty differs from tract to tract and is pre-determined by the Excise Commissioner in consultation with the Deputy Commissioners and is governed mainly by the paying capacity of the consumers in a particular area. After crediting the issue price, the retail contractor produces the treasury chalan before the warehouse officer who subsequently issues the quantity of excisable articles for which the correct issue price has been paid by a retail contractor. The retail contractors remove the articles to their shop premises at their own cost and sell it at advertised selling rates, which are generally fixed for each shop. In rural shops liquor is sold at a cheaper rate than in towns and is coloured to distinguish it from the liquor of a higher issue price area, in order to minimise the chances of smuggling. Such liquor is liquor of a "low duty area". The system of manufactured supply of country spirit as narrated above, is known as the "contract supply system". The distinguishing feature of this system is that the right to manufacture country spirit is separated from that of retail vend.

There is yet another system, in force mainly in the aboriginal areas, known as the outstill system, which is rather a primitive system. Under this system, each licensee is granted a monopoly for manufacture and supply of liquor in a defined area. The licensee pays to Government a certain fixed sum monthly for the privilege of working one or more stills and for the sale of spirits manufactured therein at certain specified shops. The sum, which is fixed at the excise sales in open auctions, represents all payments on account of licence fees and duty. The manufacturer and the retailer are combined in this system.

Toddy.—As in the case of country spirit, the right of tapping and selling toddy is sold every year by public auction. Toddy is drawn from palm trees. The licensee makes his own arrangement with the owners of trees. In the "tree tax" area the licensee has to pay tree tax fixed by the Government in addition to the licence fees. This is not necessary in "no tree tax" areas. In the aboriginal areas of Chanda and Bastar, the aboriginals are granted the right to tap trees without recovering any tax or fees from them.

Ganja.—Ganja and bhang are products of hemp plant. Ganja consists of the flowering tops, green or dried, which have become coated with resin. The cultivation of hemp plant is prohibited under the Excise Act, except in the Khandwa tahsil of the Nimar district. Licensed cultivators are paid the cost price of their yield by the Ganja Officer, Khandwa. Ganja is stored at the Government Store House, Khandwa, from where it is supplied to Government warehouses directly according to their requirements. The licences to sell ganja in retail are granted by the Deputy Commissioner by auction. The retail contractors draw their supplies from the warehouses after paying the issue price in Government treasuries. The issue price represents cost price of ganja and duty imposed thereon by Government. One "issue price rate" prevails in the whole of the State. The present cost price and duty are Rs. 3 and Rs. 197 per seer.

Bhang.—Bhang consists of the green and dried leaves of hemp plant. The requirements of the State used to be received from Madras and stored at Government Store House, Khandwa. From Khandwa, all the warehouses in the State receive their supplies. The procedure for the grant of retail sale licence and drawing of supplies by the contractors is the same as in the case of ganja. The present cost price and duty are Rs. 2 and Rs. 78 per seer. For the last two years, bhang is also being cultivated in Nimar district.

Opium.—Cultivation of the poppy plant is forbidden in the whole of the State. Opium is manufactured at the Government Factory, Ghazipur. The district requirements are received directly from Gazipur in quarterly instalments and kept in Government treasuries from where the Government warehouses draw their supplies. The procedure for the grant of retail sale licence and drawing of supplies is the same as in the case of hemp drugs. The present cost price and duty are Rs. 40 and Rs. 260 per seer.

Issue prices of country spirit are fixed per proof gallon. Fifteen bottles of 60° U. P. make a proof gallon. The issue prices of liquor per bulk gallon are calculated from the issue prices shown in the statement below.

In every excise shop, liquor of two strengths, i.e., 60° U. P. and 45° U. P. is sold. For example, if the issue price per proof gallon is Rs. 15, the issue price per bulk gallon of 60° U. P. will be Rs. 6, while issue price per bulk gallon of 45° U. P. will come to Rs. 8-4-0.

Subject to the maximum rates fixed by Government, the liquor contractors have to sell liquor at their shops after making due allowance for their annual licence fees and their profits. The selling prices of licit liquor is, therefore, issue price (direct taxation) plus the due share of licence fee (indirect taxation) and the profit of the contractor. The cost price per proof gallon of country spirit at which Government has been buying mahua liquor from the distillery contractor for the last three years is given below:—

Year	Kamptee	Seoni	Raigarh
(1)	(2)	(3)	(4)
	Rs. a. p.	Rs. a. p.	Rs. a. p.
1948	2 5 0	2 2 0	..
1949	2 5 0	2 0 3	2 10 0
1950	2 5 0	2 0 0	2 10 0
1951	2 5 0	2 14 3	2 10 0

The cost of production for the distillery contractor is lower, because the cost price must include an element of the contractor's profit also. The outturn of spirit in a maund of mahua in a patent still is 4.0 proof gallons and a pot still 3 proof gallons. The average rate of mahua during the last three years has ranged from Rs. 5 to Rs. 8. The mahua trees grow wildly and plentifully in the districts of Betul, Balaghat, Mandla, Chhindwara, Chanda, Bilaspur and Durg, and in the forest areas of Akola, Amravati, Yeotmal, Buldana, Bhandara, Nagpur, Wardha, Jabalpur and Raipur. Mahua trees are found in abundance in all the merged states. For illicit distillation, therefore, mahua is plentiful and the incentive to illicit distillation is found in the wide margin of profit which represents in the case of licit liquor, duty, licence fee and the contractor's profit.

Two statements are appended below showing (a) the issue prices of country spirit from the year 1904 to 1951 and (b) the issue prices of opium, ganja and bhang:—

(a) *Statement showing the Issue Price rates per gallon from the year 1904 to 1951.*

Year	Issue price rates		Year	Issue price rates	
	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.
1904	Outstill system.		1928	1 14 0	to 23 2 0
1905			1929	1 14 0	to 23 2 0
1906			1930	1 14 0	to 23 2 0
1907			1931	1 14 0	to 23 2 0
1908			1932	1 14 0	to 20 0 0
1909	0 15 0	to 3 2 0	1933	1 14 0	to 16 4 0
1910	0 15 0	to 5 0 0	1934	1 14 0	to 16 4 0
1911	0 15 0	to 5 0 0	1935	1 14 0	to 16 4 0
1912	0 15 0	to 5 15 0	1936	1 14 0	to 13 2 0
1913	0 15 0	to 5 15 0	1937	1 14 0	to 10 0 0
1914	0 15 0	to 5 15 0	1938	1 14 0	to 13 2 0
1915	0 10 0	to 6 14 0	1939	1 14 0	to 13 2 0
1916	0 10 0	to 7 13 0	1940	1 14 0	to 15 0 0
1917	0 10 0	to 10 15 0	1941	1 14 0	to 15 0 0
1918	0 10 0	to 10 15 0	1942	1 14 0	to 15 0 0
1919	0 10 0	to 10 0 0	1943	1 14 0	to 15 0 0
1920	0 10 0	to 12 13 0	1944	2 13 0	to 21 14 0
1921	0 10 0	to 12 13 0	1945	4 11 0	to 28 7 0
1922	0 15 0	to 12 13 0	1946	3 12 0	to 28 7 0
1923	0 15 0	to 17 8 0	1947	3 12 0	to 28 7 0
1924	1 9 0	to 21 14 0	1948	6 4 0	to 28 7 0
1925	1 9 0	to 21 14 0	1949	5 7 8½	to 29 6 0
1926	1 9 0	to 21 14 0	1950	7 13 0	to 29 6 0
1927	1 9 0	to 23 2 0	1951	8 12 0	to 29 6 0

(b) *Statement showing the Issue Price rates of Opium, Ganja and Bhang per seer from the year 1905 to 1951.*

Year	Per seer			Year	Per seer		
	Opium	Ganja	Bhang		Opium	Ganja	Bhang
	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.
1905	15 10 0	4 4 0	..	1929	90 0 0	55 0 0	7 0 0
1906	23 8 0	5 4 0	..	1930	90 0 0	55 0 0	9 0 0
1907	23 8 0	5 0 0	..	1931	90 0 0	55 0 0	9 0 0
1908	23 8 0	5 0 0	..	1932	90 0 0	55 0 0	9 0 0
1909	23 8 0	5 0 0	..	1933	90 0 0	40 0 0	9 0 0
1910	23 8 0	5 0 0	..	1934	90 0 0	40 0 0	9 0 0
1911	23 8 0	6 0 0	..	1935	90 0 0	40 0 0	9 0 0
1912	27 8 0	7 8 0	..	1936	90 0 0	40 0 0	9 0 0
1913	27 8 0	7 8 0	..	1937	90 0 0	40 0 0	9 0 0
1914	27 8 0	7 8 0	..	1938	90 0 0	40 0 0	9 0 0
1915	27 8 0	10 0 0	..	1939	90 0 0	45 0 0	12 0 0
1916	35 0 0	10 0 0	..	1940	110 0 0	55 0 0	15 0 0
1917	35 0 0	10 0 0	..	1941	110 0 0	55 0 0	20 0 0
1918	37 0 0	12 8 0	..	1942	110 0 0	55 0 0	20 0 0
1919	45 0 0	12 8 0	..	1943	110 0 0	55 0 0	20 0 0
1920	45 0 0	17 8 0	..	1944	130 0 0	65 0 0	25 0 0
1921	60 0 0	17 8 0	4 0 0	1945	140 0 0	80 0 0	30 0 0
1922	60/63	0 0 25	0 0 7	1946	140 0 0	80 0 0	30 0 0
1923	70/63	0 0 25	0 0 7	1947	150 0 0	90 0 0	30 0 0
1924	72 0 0	30 0 0	7 0 0	1948	175 0 0	120 0 0	40 0 0
1925	75 0 0	37 8 0	7 0 0	1949	200 0 0	140 0 0	50 0 0
1926	80 0 0	45 0 0	7 0 0	1950	250 0 0	180 0 0	70 0 0
1927	80 0 0	45 0 0	7 0 0	1951	380 0 0	200 0 0	80 0 0
1928	85 0 0	50 0 0	7 0 0				

The incentive to illicit distillation in the dry areas in the State is great because of the demand for liquor which is not legitimately available. The profit of the illicit distiller in the dry areas is greater because of the demand for liquor and the absence of competition by licit liquor. The illicit distiller charges higher prices because of the allowance he has to make for overheads in the shape of expenses for defence in the case of detection, and prosecution and also for purchasing the collusion of the enforcement staff.

We understand that licit liquor is issued under a guarantee of purity, and is not necessarily harmful or injurious to health, whereas illicit liquor is deleterious. It is cloudy in appearance, acidic in taste and is injurious to health because of the presence of fusel oil and other ingredients, which are mostly eliminated in the process of distillation under scientific conditions in a patent still.



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PART II.—ENQUIRY

CHAPTER V.—NEED FOR ENQUIRY AND OBJECTIONS TO IT—CONSIDERED

Appointment of the Committee—Reactions.—The proposal to appoint an Inquiry Committee, with its terms of reference, had a mixed reception. On the whole, however, the inquiry was welcomed.

Excise Administration Reports and the need of an enquiry.—In Excise Administration Report of 1940 and subsequent reports from the year 1946, there appeared highly glowing accounts of the marked improvement in the physical, moral, social and economic conditions of the erstwhile liquor addicts, evidently to demonstrate the success of the Prohibition policy. It was, therefore, not surprising that a section of the public should be inclined to be critical about the propriety of appointing this Committee to assess the results of the policy. Such a criticism was but natural and could not be dismissed summarily as irrelevant or frivolous. The answer could be partially found in the press note issued by the Government. This Committee had, therefore, to give due consideration to the criticism. This Committee expected the Government at the outset to file before it a comprehensive statement narrating the history of the problem including the reasons which prompted the appointment of this Committee; but no such statement was filed. The Honourable the Excise Minister would have been the proper person to give an authoritative exposition of the Government's policy, but he was reluctant to give evidence on the ground that it would embarrass him as a member of Government with joint responsibility while considering the Report of the Committee in future. This could well be interpreted in a generous spirit or indicating a neutral attitude of the Government, but paradoxically enough the Honourable the Excise Minister sprang a surprise by pronouncing his Government's decision in advance, at an interview on the very day (9th January 1951) on which this Committee was appointed, to the effect that if the Committee recommended withdrawal of Prohibition, his Government would turn it down. The report of that interview which was published in the local newspapers still remains uncontradicted.

If a detailed statement had been filed as indicated above along with the official data bearing upon the terms of reference, it would have considerably reduced the duration of the enquiry.

Constitutional aspect.—Another section of public opinion challenged the power of the State Government to appoint a Committee of Inquiry on the ground that Article 47 of the Constitution left it no alternative but to enforce the policy of Prohibition. It was argued that inasmuch as the State Government had taken a decisive step in accordance with the Directive Principles of the Constitution, it had no option left but to intensify its enforcement irrespective of public support.

At the outset it may be pointed out that there is nothing in the terms of reference to preclude this Committee from recommending stringent measures of enforcement, if, in its opinion, the facts to be found by it justify such a course. On close examination, we are unable to find anything in the terms

of Article 47 to warrant the assumption that it is mandatory. It occurs in a chapter which merely enunciates the principles which should guide the policy of any State. The Constitution confers upon the State exclusive and unfettered power in respect of the control of the intoxicating drinks and drugs. (See Seventh Schedule, List II—State List entry Nos. 8 and 51.) There is no “directive” in any of the provisions of the chapter, but only a statement of “directive principles” for the guidance of the State. A principle is like a beacon which illumines the route but does not coax, cajole or coerce. In no way does it impair or restrict the plenitude of the State’s freedom in this respect. On the true construction of this article, it is analogous to an Instrument of Instructions, not a Statute.

It may be pointed out here that it differs from the 18th Amendment to the Constitution of America which used mandatory words. It ran as follows:—

“After one year from the ratification of this Article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof, from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.”

Article 47 makes explicit the duty of the State in respect of nutrition, standard of living and public health. As to intoxicating drinks and drugs injurious to health, it desires a State not to prohibit, but to “endeavour to bring about Prohibition” without prescribing any period of time within which the endeavour is to be initiated or completed.

Let us analyse the expression “endeavour to bring about prohibition of consumption”. The word “prohibition” indisputably contemplates legislation (i.e., method of coercion). If the Constitution intended to prescribe that course only, it would have simply used the word “prohibit” without any qualifying words.

The word “prohibition” has a twofold meaning in its relation to (i) manufacture and traffic or (ii) consumption. In America it was apparently used in the first sense. In India Prohibition has actually been in force in this sense, as incidental to the State monopoly of country liquor traffic. Prohibition, as the word is used in Article 47 of the Constitution, specifically refers to the second aspect of its meaning, viz., consumption. It cannot be gainsaid that the Government holds the monopoly of country liquor traffic as a means of regulation as well as a source of revenue. Why should the State prohibit consumption and surrender this source of revenue? As a Welfare State, it will be bound to do so to promote the welfare of the people, raise their standard of living by improvement of their health and well-being. That object can be achieved only when those who consume liquor make a saving by abstaining from consuming it, i.e., by voluntary abandonment of drink.

Can this be brought about by law unaided by the co-operation of the people affected? No; for the obvious reason that if the bulk of the drinkers continue to drink in spite of the stoppage of supply of liquor it would give rise to the malpractice of manufacture and sale of illicit liquor. If, on the contrary, they abstain from drink, there would be no lucrative market left for the sale of illicit liquor and the consumption of liquor would automatically cease in the long run.

This process by which the goal of Prohibition to be achieved is indicated by the words "to bring about" preceding the word "Prohibition" in Article 47. They are not new; they had become current during our constitutional struggle with the British Government. These words occur in the preamble to the Madhya Pradesh Prohibition Act. The significance of that expression becomes clear when one refers to the speech of the Hon'ble Mr. Gole, the then Excise Minister, while introducing the Bill. He referred to the persistent social work done for eight years at Damoh before it had been declared dry in 1928-29. The framers of the Constitution are presumed to know the trend of the prohibition movement in the Provinces (now States) as also the reason why Prohibition Acts took the form of conditional legislation. It is, therefore, clear that the words "to bring about" mean the social spade work to be done for preparing the minds of the people to render to the law voluntary obedience. This is the method of education and persuasion to precede legislation.

The word "endeavour" introduces the element of expediency. Prohibition being the ultimate goal of the endeavour, it may take the form of legislation or social activity or both. However lofty and fascinating may be the ideal, in its march to attainment, it must needs pass through human channels and the process involves persistent and strenuous contest with hostile forces. This struggle is connoted by the word "endeavour". Careful consideration of the import of that word in its context leaves no room for doubt that it is highly significant as introducing an element of expediency implying the exercise of restraint, circumspection, caution and compromise in the practical application of the directive principle, with due regard for the moral obligation which that Article imposes on a State. The word "endeavour" therefore contemplates the intermediate steps, activities and means which lead to Prohibition. Promotion of temperance is one of these. Prohibition can stem out of temperance but one fails to see how Prohibition can "bring about" prohibition. Article 47 contemplates prohibition of abuse of intoxicating drinks but not its use in the interest of health. We are aware that ordinarily the word "medicinal" is used in the narrow sense of treatment of disease. If that word is interpreted in the restricted sense, the Article must be deemed to contemplate it as the ultimate ideal. But in the earlier stages leading up to that ideal, the State may, as a transitional step, adopt and act on the broader meaning of the word medicine which includes preservation of health and treating diseases for the purpose of cure, *i.e.*, "care of health as well as the cure of the ills of the human body". Right to personal safety as stated by Blackstone includes a person's enjoyment of his life, his limbs, his body and his health. Article 47 which specifically mentions public health must be deemed to protect this natural right of the individual.

Conflicting Medical Opinion.—There are many medical men of high qualifications, long standing and wide experience, including the Director of Public Health, Principal of the Medical College, Nagpur, Dr. Nath, Head of the Department of Bio-Chemistry, some Civil Surgeons and private medical practitioners, who state that intoxicating drinks when used in moderate quantities act as tonic, promoting health and longevity. Their opinion evidently derives support from the Report of the Commission recently appointed by the British Medical Association. No doubt, there are others in the country who take a different view. There is a pronounced disagreement among the medical experts. In the literature on the subject there rages a storm of controversy which is so loaded with statistical data in relation to crime, mortality, disease,

etc., and overshadowed by subjective element that the real issue goes out of perspective altogether and the line of demarcation between moderation and excess, use and abuse, becomes obliterated.

The craving for drink traced to its origin goes back to the dawn of human society and shows itself almost as a natural appetite. With all the individual and collective efforts so persistently made by mankind, it has been found impossible for it to forego the gratification of that appetite. Nevertheless in many countries, specially in Great Britain and Scandinavia it is now realised that moderation is attainable. In reality everyone is conscious in his own case of the line that exists between use and abuse.

At this stage we can well draw upon the experience of our own forefathers who in their wisdom permitted the enjoyment of drink in a disciplined and sublimated form, because of the very reason that it was recognised as a natural appetite—

भूतानां ललनं स्मृतम् ।
तदेव विधिना कुर्वत्स्वर्गं प्राप्नोति मानवः ॥
(बृहस्पति स्मृति अध्याय कांड ८२)
नित्यास्तु जंतोः व्यवस्थितिस्तेषु
(भागवत, स्कंध ११ अध्याय ५, श्लोक ११)
प्रवृत्तिरेषा भूतानां (मनु. ५.५६.)
तां सुरां विधिना पिबेत्
(चरक संहिता, अध्याय २४-१०)
(See also Appendix D.)

They evidently realised that with a little discretion, it is quite possible for one to lift oneself from the baser plane of sensual indulgence to the nobler one of cheerfulness and refined social emotions.

In view of the considerations set forth above it would not be improper to put a broad and generous interpretation on the word 'MEDICINAL' occurring in Article 47 and permit the use of intoxicating drink in such quantities as the Head of the Department of Public Health in any State would certify as being helpful, or at any rate, not harmful to health. This is in no way repugnant to or a deviation from ultimate ideal of attaining total abstinence.

CHAPTER VI.—EFFECT OF THE POLICY OF PROHIBITION ON THE DRINK EVIL (Terms 1 and 2.)

SECTION A.—RELEVANT EXTRACTS FROM TYPICAL ORAL EVIDENCE

Term 1: Examine how far Prohibition has been effective in achieving its primary objective of eliminating or reducing the *drink evil*.

Term 2: Examine whether it has given an impetus to malpractices, such as illicit distillation and smuggling and consumption of deleterious substances.

In Part I of this report we have described in outline the history of the Excise Policy leading up to the declaration of Prohibition. We have also given a brief account of the Excise and Prohibition administration prevailing in this State. We now come to the examination of the Policy of the Prohibition in operation, with specific reference to the questions posed above.

On the adoption of the policy of total and immediate Prohibition, the Government decided to divide the State into Wet and Dry areas, and to introduce it in the State in four stages. A map of the State is appended to show the Wet and Dry areas as they stand at present. It has already been pointed out that the Government had to call a halt after the first stage. Certain areas of the State, therefore, have been under Prohibition while the rest have continued Wct. It has nowhere been stated in the Government records on what ground these areas were selected for being put under Prohibition. Various parts of the State have been under Prohibition for varying periods. Damoh sub-division had been declared dry as far back as 1928 and 1929 (rural and urban). The district of Sagar and Narsimhapur sub-division have been under Prohibition for 13 years, whereas Wardha, Akola, Warora, and Brahmapuri, for 11 years, and Nagpur, Hoshangabad, Nimar and Amravati districts for nearly 5 years.

With these facts in the background, we have to read the terms of reference.

These two terms are of outstanding importance as they go to the root of the whole enquiry. It is in the light of the answers to these terms that the ground covered by other terms of reference will have to be explored and final recommendations shaped.

They are also inter-related. As in the Prohibition areas there is no authorised supply of liquor, term No. 2 evidently contemplates other sources, channels or forms of supply. Both the terms have, therefore, to be considered together to arrive at the proper answer to term No. 1.

At the outset, there sprang up a doubt as to the form of the answer, *viz.*, whether it should be couched in arithmetical terms or as indicating a tendency towards increase or decrease of consumption of liquor. It was strongly pressed that an attempt must be made to ascertain the exact percentage of reduction in consumption with the aid of what may be described as the quantitative method. We have no hesitation in conceding that the method suggested is indeed objective, but it is problematic whether it can solve all the sociological riddles involving as they do, a large measure of qualitative element. The quantitative method postulates the existence of reliable statistical data; which are characterised by finality and certainty. Can there be any scope for the application of this method where, as here, the very quantities have to be deduced from circumstantial evidence? In the Prohibition areas no figures relating to the consumption of liquor are available in view of the complete stoppage of supply by Government. The only conceivable channels of supply would be smuggling of licit and illicit liquor from the wet areas and the manufacture of illicit liquor inside dry areas. The quantities received through these channels cannot possibly be estimated except by way of inference from the evidence of the witnesses bearing on the nature and extent of malpractices, read in conjunction with the figures of the cases detected.

It is to be borne in mind that the expression used in Term No. 1 is Drink Evil. The word "evil" read in relation to the word Prohibition (the object whereof was to bring about total abstinence presumably on the principle that the use of what is in itself evil is evil) tends to show that it means and includes something more than the quantitative aspect of Drink, *viz.*, the psychological effect of Prohibition as reflected in the general attitude of people towards it. To give an instance: in 1932 the consumption of licit liquor

dropped to the lowest point, *viz.*, 188,289 gallons. Did it mean that the drinkers gave up drinking out of respect for the resolution passed in 1921 recommending gradual stoppage of supply? If that were so, there would be no increase in the crime of illicit distillation as also subsequent rise in the consumption of licit liquor. That shows that a man who is denied lawful drink, does not forego it because the law is made in his name and for his good, but turns to other modes of gratifying his craving for drink. It is this attitude which is relevant and it is from this point of view that we regard the evidence of the witnesses as significant. For what may be conventionally called quantitative evidence, we have indeed to depend upon the official records, but as will appear in the sequel, it is neither adequate nor definite. We shall be in a better position to assess such quantitative evidence as comes before us, if we know from other sources the nature of the public reaction to Prohibition. We would prefer to follow the commonsense method of weighing all the evidence, qualitative and quantitative, in the light of our own experience and draw such conclusion as will naturally and properly flow from the cumulative effect thereof. Our conclusion will only indicate the tendency of the "drink evil". We do not venture to present our conclusion in arithmetical terms as we firmly believe that it would not only be unwarranted but misleading. Our criterion of judgment is that of moral certainty such as would accord with the common experience of mankind and afford a reasonable basis of action.

We now enter into the enquiry with the aid of such guidance as will be received from the living testimony of those who move and breathe in the atmosphere pervaded by Prohibition.

In view of the highly contentious nature of the subject, it is but natural, that there should be a diversity in the angles of vision. The approach to the subject according to the predilection of the exponent, is theological, moral, social, political, individualistic or constitutional. Each point of view is pressed with a fervour which imparts a subjective tint to the facts stated by the witnesses. We have to discard all particularism and approach the facts with a mind cleared of all pre-conceptions, prejudices, predilections, and pre-dispositions. It is only when the material is weighed with an open mind that one can be sure of the objectivity of facts and impartiality of conclusions.

We have before us memoranda and statements of different political parties, legal and medical practitioners, shopkeepers and businessmen, employers of labour, labour leaders and wage earners, representatives of Municipalities and Janapada Sabhas, highly placed educationists, journalists and social workers, Members of Legislative Assembly, and officers in harness and retired and others, representing a fair cross-section of the public.

Considerations of space forbid the inclusion of the large volume of evidence before us. We have, therefore, to present in outline only typical evidence representing various points of view. The witnesses did not merely state their opinions but facts which were either within their personal knowledge, or which came to their notice in the course of professional or social activities or based on information which was believed by them to be true. We are aware that what they stated is not conclusive, though helpful.

We shall start with those districts which have been longest under Prohibition.

Sagar district with Damoh sub-division

The Rural and Urban areas of Damoh were declared Dry on the principle of Local Option as far back as 1928 and 1929, i.e., about a decade before the Prohibition Act came to be passed.

Shri Buta Singh, the President of the Refugee Association, stated as follows:—

“Labouring classes like Chamars, Baors, Dhobies, Sweepers—all drink. Some people even drink methylated spirit. They get their liquor either from the wet areas or from secret stills producing liquor round about Damoh. It is reported that liquor is smuggled from Jabalpur in motor vehicles; and there is a station Rithia as also Saliya, in the Panna State where liquor is sold openly . . . A bottle of liquor, is sold at as high a price as Rs. 7 or Rs. 8 per bottle. Many officials have become corrupt on account of Prohibition”.

Shri Jhunnilal Verma, Advocate, President, Bar Association, Damoh. (He is an enlightened gentleman who had been closely associated with the movement for making Damoh Dry which succeeded in 1929, and has filed a statement which evinces his deep study of the problem.)

He stated:—

“We must find ways and means of checking illicit distillation and smuggling. So far as Damoh is concerned it is Dry for the last 21 years. There are two classes: Those who distil for their own use and those who distil for business, i.e., profit. I feel that the illicit distillation for profit is on such a scale that Government should take notice of it”.

Shri Ramshankar Selot, Senior Member of the Bar; Chairman, Janapada Sabha, Damoh, stated:—

“Illicit distillation goes on because most of the Excise and Police officers are corrupt. They do not prosecute educated people and their underlings for breaches of the Prohibition Law but only run after the poorer classes.”

Thakur Devi Singh, Municipal Member, stated that only 1/16th of the drinkers in 1922 may be drinking now, stealthily, but added “occasionally there are a few cases of smuggling by rail and road”. He thinks that the Police staff is sufficient to cope with the evil, but the Police want to line their pockets rather than serve the people. He is a member of the Congress Committee and believes that on account of the factious spirit prevailing in the Congress Party there may be some against Prohibition, but he thinks that the Congress should not give up its creed for which many Congress people suffered while picketing the liquor shops.

Shri Ram Sahay Verma, of the Janapada Sabha, Damoh, stated that there was illicit distillation on a very wide scale. He claimed that he could show at the moment 50 tins of illicit liquor and added that illicit liquor was adulterated with Dhatura with the result that four persons who drank it fell senseless in his presence. 90 per cent of Government servants drink and he himself had joined their drink parties.

Shri Hari Shanker Agarwal, Forest Contractor, believed that 50 to 60 persons sold liquor at the rate of Rs. 8 per bottle in the Damoh town itself and that the business was financed by many rich men. To repeat his own words, "I have seen three municipal elections which were won on the strength of intoxicating beverages. Among the Railway and Government servants, 90 per cent were given to drinking".

There were about 150 persons representing Chamars, Koshti, Gadaria, Kumbhar and Kori communities and the President of the Bidi Merchants' Union who declared that Prohibition should continue. On the other hand the representatives of the Ladia, Dhobis, Sweepers, Tailors, Chamars and Gadaris (in all about 100 persons) wanted the Prohibition to be lifted. There was among them one Avadh. Bihari who stated that he had been sentenced to 17 months' imprisonment for being found in possession of liquor which he used to supply to a First Class Magistrate.

Shri Zunnilal, Charcoal Contractor, stated that at the time of the last Municipal Election, liquor was distributed freely by both the parties.

There was a group of about 50 persons led by Shri Lal Singh Khare who presented a petition to the Committee praying that the Prohibition be lifted. When asked to say why they should not give up drink he said "what is the use of giving up our drink when hundreds of people drink and gallons of liquor is stealthily manufactured in Damoh as well as in the surrounding area. We purchase illicit liquor at Rs. 6 per bottle and occasionally at Rs. 8, while the real cost of the bottle is only annas four. It is the rich men who finance this business of illicit distillation. It has become a regular trade and a source of profit. They employ middle-men including women, and children in their business. The Police also join with them in drinking, and also take bribes and connive at the breaches of the Law. On account of Prohibition, many of us stock intoxicants, such as liquor, opium, etc."

Sagar District

Shri Abdul Gani, Member of Legislative Assembly, Sagar, Congress Socialist, stated: "the drink evil in Sagar is increasing. Illicit liquor is sold at the rate of Rs. 8-8-0 to Rs. 12 per bottle. While the Government is losing revenue, Goondas are making profit. In Karrapur, there are at least 40 illicit distilleries. The process of illicit distillation is easy and well known, and is carried on a very large scale".

Shri Bhagwandas Jain, Bidi Merchant, Sagar, thinks that the labourers have given up drinking and have been able to invest their savings in the form of gold ornaments.

Shri B. L. Jain, Member of Legislative Assembly, thinks however that though the erst while addicts have given up drink, new labourers in the bidi factory have taken to it. As their earnings are handsome, the old contractors or their servants started the business of manufacturing illicit liquor to supply their needs. The Excise and the Police staff are corrupt.

Dr. Makhanlal Jain, Medical Practitioner: "I know of many people using tinctures, and methylated spirit among the Chamars and the low caste people.

The illicit liquor which is prepared at Karrapur and Bhupal, has stabilised into a regular business."

Sixteen Mukkadams (Hamals) of Grain shops at Sagar stated that they had to satisfy their cravings with illicit liquor even on payment of 5 or 6 times the price of Government liquor. They attribute the improvement in the financial condition of labour to the fact that members of their families earn extra wages by working in bidi factories.

Shri Gaya Prasad, Member of Legislative Assembly, said that in Karrapur there were 80 distilleries and that in other places also illicit distillation went on.

Swami Krishnanand, President, District Congress Committee, stated that the consumption of liquor had gone down as also the number of drinkers; but that there was illicit distillation, going on in the town of Sagar and the surrounding area. People who have no employment engaged themselves in smuggling and illicit distillation. The process of illicit distillation was easy, cheap, and well-known, and goondas really profit by this business by secretly delivering the liquor to the consumers. The Police and the Excise staff were corrupt because some of them were given to drink and some took bribes. Some of the Police were mixed up with the offenders.

Shri S. K. Selot, Member of the Legislative Assembly, thought that even out of 80 per cent people who may appear to have given up drinking, many may be drinking secretly.

Shri Sayyad A. Hussain, Dentist (a Congressman), thought that about 5 per cent of the population of Sagar drank illicit liquor but he believed that 4/5th of the population had given up drinking.

Dr. P. G. Sapre, Medical Practitioner, stated that the police took bribes and drinks.

Shri K. R. Khandekar, stated that illicit distillation went on with the knowledge of the Police.

Shri Wasudeo Prasad Shrivastava, Secretary, Bar Association, and President of Municipal Committee, Deori, stated that in spite of illicit distillation prevailing in Sagar and in surrounding areas as also smuggling to some extent, the Prohibition Policy had succeeded. He had come across cases in which Policemen were involved in illicit distillation and smuggling.

Wardha District

(It was declared Dry as far back as 1st January 1939. In this District the staff and the students of G. S. College of Commerce, conducted a socio-economic survey, of about 30 villages and found that the villagers were reluctant to give their frank opinion about the efficacy of the Prohibition Act. They, however, found that 50 per cent of the people were of opinion that there had been reduction in the vice of drinking. Habitual addicts got their drink through illicit distillation which had grown into a kind of cottage industry.)

Shri S. N. Agarwal, Principal of the College also stated: "On account of the inefficiency of the police, illicit distillation is widespread in the country. It has become an unregulated Cottage Industry. There is enormous illicit distillation amongst the old addicts."

Shri Kakasaheb Kalelkar stated: "who does not know that laws against drink lead to corruption and illicit distillation, but you do not abolish Law Courts and repeal the Penal Code because judges will sometimes be corrupt."

Shri G. S. Chudiwale, Pleader, was once a Member of the Anti-Drink Committee. He said "Illicit distillation is carried on in dilapidated houses and it is very difficult to find out the owner of the place. Some of the illicit distillers have become very rich by this profession."

Shri Shrikrishnadas Jajoo stated: "More than 90 per cent do not drink. If 100 persons were drinking before the introduction of Prohibition, not more than 25 per cent might be drinking now."

Shri Bapurao Shinde, Chairman, Janapada Sabha, Wardha, stated: "I know that illicit distillation goes on in Wardha and the neighbouring villages. People make large profits by it and therefore they can afford to bribe Government servants and manage to escape and the real culprits are never brought before the Courts. The Lower staff are paid regularly by illicit distillers."

Shri S. V. Sonavane, M.L.A., Wardha stated: "I know illicit distillation is going on but to a limited extent. This was going on even in pre-Prohibition days.....Government should take notice of malpractices such as corrupting Police and Witnesses.....the evil will go away in 100 years automatically if Prohibition is continued."

Shri Bapurao Deshmukh, President, Taluka Congress Committee, Wardha stated: "Illicit distillation is still going on in Waigaon. We do not get sufficient help from the Police because they themselves are drunkards and bribe-takers.....Some Goondas have made very large profits by illicit distillation."

Shri A. H. Ansari, Pleader, Wardha, stated: "There is a lot more illicit distillation than before. It has demoralised the Police. Goondas are making money out of Prohibition."

Shri Kishorilalji Mashruwala stated: "Under the Constitution Government cannot appoint a Committee to inquire into the success or failure of Prohibition. The Constitution of India has laid down a directive that Prohibition has to be enforced except for Medicinal purposes.....There is public support behind Prohibition. There may be 10 per cent who are drinkers in the absence of the Prohibition Law. Till now these 90 per cent non-drinking people have done nothing active to wean away these 10 per cent people from drinking. On the contrary I would say that the more well-to-do people have treated this habit in the poorer classes by asking them to make drinks for them. Some even supply drinks from their own permits. I know that one of the Excise Ministers used to drink. There has been an increase in the sale of tinctures and abuse of permits. The Congress party should have done moral propaganda.....Article 47 of the Constitution clearly gives a mandate. Prohibition is the creed of the Congress. We should not depend upon Penal Laws. We should be able to clear the minds of the people."

Amravati District

Vir Wamanrao Joshi, an Ex-President of the Vidarbha Provincial Congress Committee stated : "In my opinion it is not possible to enforce the Act, unless there is preparation of the public mind to make it successful. We must create social sanctions and stir up public conscience, so that the public themselves will come forward to check the evil. I do not think that any untoward result can accrue if this Law is suspended for sometime. Normal Excise policy should continue for a period of ten years and public opinion be created and mobilised during this period."

Dr. Punjabrao Deshmukh, Ex-Minister and Member of the Parliament stated : "At the present moment the general feeling of the public in our State is unfavourable to Prohibition. The whole of the machinery of the Government has fallen into disrepute and has become loose, inefficient and corrupt. The people, therefore, feel that the Government is incapable of enforcing the Laws they make. We are losing revenue without getting any adequate compensation in return. I would put Prohibition very low in the list of welfare activities of this State."

Shri R. B. Choube, Pleader, Amravati stated : "I have been in legal practice for the last 13 years. In the beginning of my practice there was no Prohibition in Amravati district, and illicit distillation was dealt with under the old Excise Act as an offence. But now I find a number of cases of illicit distillation by crude stills like earthen pots and pipes in a number of villages. Fifteen per cent of the Prohibition cases show that the prosecutions are under Section 6 (1) (g) and (i)."

Shri V. S. Gokhale, Advocate, Amravati, stated : "Prohibition has been fairly successful, but I know that there has been illicit distillation and that people drink tinctures, and methylated spirit, and visit the Wet areas and also smuggle liquor from the Wet areas, and try to break the law in many ways. But there are violations of every law. By the very nature of Prohibition, consumption is now limited. (He is a member of the District Congress Committee.)"

Shrimati Tarabai Padhye, Secreary of Sharda Udyog Mandir stated : "I gathered from the women, in my social service rounds that illicit liquor is buried in nalas, rivers or tanks, and that distilled liquor was kept concealed in Wadali Talao, Chattri Talao, but never stored at home. The women of the labouring classes, would like their husbands to be allowed to drink because in spite of the law, they drink and pay four times the normal price."

Shri B. G. Jadhav, President Chandur taluq Congress Committee stated : "In my opinion Prohibition should continue. Prohibition is successful in rural areas. Some people think that consumption has increased, but only percentage of illicit distillation has increased. That people have gone more to illicit distillation is a fact but at the same time the percentage of the total liquor consumed is less than when there was no Prohibition. In villages, the working classes never drink because they fear the law more, but the more prosperous people who are habitual drinkers indulge in illicit distillation because they are rich and they can give bribes to officers. In my tour I have come across cases of illicit distillation."

Akola District

Shri A. S. Athalye, Leading Member of the Bar, stated: "I am aware that there is both smuggling from the Wet areas to Dry areas, and illicit distillation on a large scale. Prohibition Law should be withdrawn and strong measures should be taken against the illicit distillers. A Law which cannot be enforced does not deserve to be on the Statute Book. To allow it to remain on the Statute Book is an encouragement to disrespect administration. The public opinion does not positively help enforcement of Prohibition nor does it think ill of one who occasionally drinks. Public opinion is now satisfied that it cannot be enforced, and in an attempt to enforce it, several other worse evils have come into existence. We had not then realised that illicit distillation would assume such large proportions. I am in the habit of making inquiries from reliable old clients of mine who come from villages and they assure me that the present conditions as regards drinking are much worse than before; and people can get liquor supplied at their own homes owing to the wide prevalence of illicit distillation."

Shri A. S. Hatekar, an advocate, stated: "I have seen several illicit distilleries a few miles from Akola. Many people go to Khamgaon in the wet area to get their drink."

Shri S. D. Bhojane, Assistant Public Prosecutor, stated: "The information which I receive from the Police and others shows that there is illicit distillation on a large scale. Many other practices have grown up, which are the direct result of the Prohibition Act. My information further reveals that juveniles are used in this nefarious business. There is a great reluctance on the part of the general public to make reports of Prohibition offences to the Police."

Shri P. B. Desai, Manager, Savatram Mills, stated as follows:—

"I think that the nature of the work which the labourers have to do in the mills requires some drink in the evening by way of relaxation in moderate quantities. I find that the efficiency of labour is much higher in wet areas than in the dry area. Even those who do not drink spend their money on Akhar-Farak (Features), gambling and cinema. Formerly, a mill labourer got Rs. 45 and now he gets Rs. 75 to 80 minimum and some families where mother, wife and children work, they make a couple of hundred rupees. The Prohibition has not affected either attendance or accidents. The Prohibition Act has absolutely no correlation with labour strikes."

Shri J. B. Shah, Chemist and Druggist, stated:

"The sale of Tinc. Cordaco, Tinc. Zingiberis, Spirit and Aetheris Nitroclil, and Tinc. Oranges have greatly increased. . . . The people use them as substitutes for liquor. We are selling Diel tablets, Soneril tablets, Ortol tablets, Elixir Valerian Brome in larger quantities. Besides, Chloral Hydrate is purchased by soda water factories and they prepare some mixtures which they call tonic which has very large sales."

Shri P. B. Gole (ex-Excise Minister) stated:

"I am a lawyer of forty years' standing. . . . Public opinion was generally being cultivated from 1907 onwards to prevent drinking. This was done mainly by political movement. . . . Among the Hindus and Muslims, drinking is regarded as a sin. Taking advantage of that, we wanted to ameliorate the economic condition of the public."

The idea was not to promote public health. . . . Prohibition has given rise to corruption and illicit distillation. It is because some people have lost their trade that they have started illicit distillation. The guardians of law ignore it or connive at it. . . . The war intervened and that created a licence for drinking, so that by the time the Congress Ministry came to power in 1946, the Prohibition Act was hardly enforced. . . . I am aware that the sale of illicit liquor and the use of other injurious substitutes for liquor is rising. This incidence is among those people who were not drinking formerly, i.e., before Prohibition. . . . I do not think that the evil can be eradicated by the Government agency alone, unless it receives public co-operation. Unfortunately, I find neither Hindi, English nor Marathi Press is supporting Prohibition, but on the contrary, they are trying to make the Prohibition Act a ridiculous one. I suspect that some capitalists are interested behind the scene. . . . I agree that illicit distillation is injurious, and impairs public health, and it also gives rise to bribery and corruption. All these evils are due to the fact that the capitalists want to get profits by spreading the vice of drinking. The standard of the labouring classes has improved. It may be partly due to Prohibition and partly due to increase in their wages. . . . I find that the educated people also have no objection to drink. I think that apart from quantity, drinking in itself is a sin. . . . Even if drink in moderate quantities is good for health, still it is objectionable according to me."

Dr. Gopalrao Khedkar, M.L.A., President of the Vidharbha Congress Committee, stated:

"Government must be carried on the strength of public opinion and, therefore, the Government must try to create public opinion in favour of the Prohibition. I believe that all parties should combine and only then success can be assured. If the financial conditions of the State is such that the Prohibition Law could be made applicable to the other districts, then only it should be done and not otherwise. Further, I am aware of the fact that people will not like additional taxation, as many new measures of taxation have been passed and have been operating."

Shri H. G. Kazi, a member of the Provincial Congress Executive and legal practitioner, stated:

"In spite of the Prohibition Act people drink on a very large scale without being detected. As the law exists only on paper, it has not improved the efficiency of the public or the labour. Prohibition Law has increased juvenile delinquency inasmuch as juveniles are employed in the trade."

Dr. K. V. Joglekar, medical practitioner, stated:

"The public opinion in general is quite indifferent to the Government scheme of Prohibition. I know of people who are quite healthy taking liquor in moderate quantities for many years. People who are addicted to drinking have deteriorated in health because of drinking substitutes."

Shri Shambhu Anshu Khandare, President of the Scheduled Castes Federation, stated:

"The public opinion is against Prohibition. Public drink in spite of the Act."

Shri Jankiram Kothalkar, Socialist and President of Tonga Drivers' Union, Mazdoor Sangha, Motor Drivers' and Conductors' Union, stated: "In Akola illicit liquor comes in bundles of grass and vessels of curds. We know of a large number of stills working and people drinking freely only a few miles outside Akola. Prohibition cannot be enforced effectively as there is no public support behind it."

Shri S. L. Verma, Deputy Commissioner, Akola, stated: "I have not received any reports about Prohibition offences from either the village officers or landholders though there are persistent rumours about illicit distillation going on, on a big scale in rural areas as well as in towns, in fact . . . these people (village officials) actually support the offenders in concealing the offences . . . It is not possible to enforce this law with the present strength or even double the strength at my disposal . . . Liquor shop licensees indulge in malpractices such as diluting liquor and sending the same to dry areas . . . On the whole I think that there has been a slight increase in the over-all consumption . . . The police is absolutely helpless. Normally nobody comes to appear as a witness and Criminal Courts are not prepared to place reliance on the sole testimony of the police officers. To a microscopic minority Prohibition may have done some good."

Shri Narayan Singh, Proprietor of Bus Services, stated: "Passengers go to Khamgaon to drink liquor. Illicitly distilled liquor is available in Akola. Passengers while returning from Khamgaon many a times load tins full of liquor which is handed over to those who have made it a profession to retail it in Akola. The tins are generally sealed and hence it is difficult to find out their contents out-wardly. I also know that illicitly distilled liquor is imported into Akola from surrounding villages by bullock-carts also."

Shri Kotiram Sewaram, Chemist, stated: "Since Prohibition, the sale of tinctures and narcotic drugs is at least 100 per cent more than previously."

Shri D. V. Joshi, Secretary, Harijan Sevak Sangh, stated: "The Law has not succeeded to the extent to which it was anticipated. The illicit distillers are now doing a profitable trade."

The Law has not been able to secure active public opinion. The Law will never succeed without active public opinion."

Shri Sultan, son of Wazir, and five others, stated: "Illicit distilled liquor is available in Akola and we drink it. We purchase it at varying prices from Rs. 2 to Rs. 5. We also drink methylated spirit when we do not get illicit liquor by diluting it with water".

Shri V. K. Kher, District Superintendent of Police, Akola, stated: "There is a great deal of illicit distillation going on in the interior. The stills are generally in the forest areas, and the distillers keep themselves away from the stills, so that even if the Police raid the stills, they can escape detection. In a large number of cases the distillers bury illicit liquor, fermented mahua and the distillation apparatus underground in an open court-yard adjoining their houses and accessible to the public. The witnesses whom we take from outside are not believed by the court. I accept the possibility that the lower staff of the Police such as Constables and Head Constables have become corrupt on account of being mixed up with the persons who distil liquor."

Raipur District

Shri S. P. Shrivastava, Secretary, Municipal Committee, Raipur, stated: "About 60 to 70 per cent of the male sweepers still continue to drink, in spite of the Law, illicit liquor, methylated spirit and chemical substitutes and other deleterious substitutes."

Mahant Sukhchain Das, M.L.A., Raipur, stated: "There is considerable increase in the production and consumption of illicit liquor mostly in villages round about Raipur. Illicit distillation is carried on practically in every village. About two years ago at Navagaon, I caught one Binno, Satnam, Malguzar of Navagaon, manufacturing liquor. He was prosecuted and sentenced to three years' imprisonment, but he triumphantly declared that his business could not suffer as the liquor manufactured by him was going to Police Stations, like Argan, Nayapara, Rajim, Abhanpur and Raipur. A dhimar at Dhamtari is notorious for possessing enormous quantities of liquor. Recently I received information that the Malguzar of Bachara himself distills liquor. The Police do not take any action because they stand to gain thereby. They get a share of illegal gains made by the manufacturers. I reported to the Deputy Commissioner, District Superintendent of Police but they took no notice of my complaint. I may be forgiven for disclosing this but illicit liquor goes into the houses of senior officers."

Mahant Laxminarayan Das, M.L.A., stated: "About 70 to 75 per cent of the people have given up drinking but washermen and dhimars have not. Not more than 5 per cent of the people may be manufacturing illicit liquor. The Act is not properly enforced on account of the proximity of the wet areas to dry districts and the drinking habits of some of the Police constables and the widespread corruption due to inflation and low salaries of the inferior staff. About 4,000 people in Raipur would be drinking either illicit liquor or using tinctures."

Shri N. C. Mishra of the Railway Anti-Corruption Department, stated: "Besides illicit distillation going on in or in the vicinity of Raipur, a large quantity of illicit contraband liquor is imported into it from wet areas in trucks, and sold among the dhobis and chamars and others at four times its cost price. All these high prices are accounted for by the necessity to pay motor drivers, Police constables, and the Excise staff. It has grown up into a regular business. Among Police officers, barring officials of higher rank like the District Superintendent of Police, there are many who bring illicit liquor occasionally and some regularly, and some go as far as carrying on the business of smuggling in co-operation with the smugglers, by investing money in the business. Some accept bribes and take no action. The same is the case with the officers of the Excise Department. The smugglers keep these officers pleased by sharing with them their profits. Even when the case comes before the Courts, the witnesses are won over by bribes and some bribe is also given to the Magistrates. The pleaders act as intermediaries in the transactions with the Magistrates. As a matter of fact, wherever controls are introduced there arises a sort of conspiracy between the officers and the businessmen to exploit the situation for their selfish ends."

Shri Kamal Narayan Sharma stated: "The corruption in the lower rank of the public services is due to their low incomes. The addicts use tinctures purchased from doctors or chemists. Even in the issue of permits for brandy, doctors are very liberal. The sale of tinctures has tremendously increased, i.e., more than five times the quantity normally consumed."

Nagpur District

Shri K. N. Nagarkatti, retired I.C.S., Employer of Labour, stated: "I have been studying the liquor problem for some time. As a result of the introduction of Prohibition, the extent of illicit distillation has no doubt increased, but the extent of demoralisation is much more amongst the middle classes than among the poorer class. This is because the middle class could afford to get illicit alcohol and had influence enough to avoid the consequences of taking illicit stuff. The attention of the Excise and Police staff is directed more towards lower class for whom really Prohibition was meant. So they generally ignore breaches of law by middle and upper classes. . . . The upper class could afford to avoid detection one way or the other. . . . Permit-holders serve drinks to their friends who are non-permit-holders. . . . I have got some Congress friends who are very high in the Congress set-up and they have taken drinks with me. It is my fault to have given them drinks, but I have to make a social living."

Lala Jaya Narayan stated: "As for the sale of intoxicants, my experience shows that if there is a population of 6 lakhs in a town, the approximate sale of liquor, brandy, rum and foreign liquors, opium and ganja, etc., will be about Rs. 20,000 every day. Out of this the sale of country liquor is worth Rs. 12 to 15 thousand a day."

During War years the consumption of liquor had gone up as people used to earn more and consume more liquor. Since Prohibition people have learnt the art of distillation. Illicit distillation has become a cottage industry or more or less a home industry. These distillers use sulphuric acid for fermentation which is detrimental to health."

According to his information the sale of illicit liquor in Nagpur alone was of Rs. 10,000 per day.

Shri D. R. Dhanwate, the well-known industrialist of Nagpur, stated: "While the Government is losing its revenue, the health of the labouring classes is getting impaired and there is premium put on black-marketing."

Representatives of Indian National Trade Union Congress stated that "The people were breaking the Prohibition Law".

Shri W. A. Hardy, Agent and General Manager, C. P. Manganese Ore Company, Nagpur, stated: "Illicit distillation occurred near most of the Company's mines to a greater or lesser extent; and in the mines which are in remote areas away from direct Police or Excise control, distillation occurred even in camps, as in the jungles surrounding the mines. At the Balaghat mine camp the labourers obtain illicit liquor at cheap rate from baigas and others who bring it down to the foot of the hills from the Baihar plateau. At Kandri and Mansar mines in Nagpur district, illicit distillation takes place in the surrounding jungles. About 21 persons in each of the camps of about 10,000 workmen earn their livelihood by this illegal method. The extensive use of methylated spirit as a substitute for liquor was detected at Mansar mines."

Shri R. S. Ruikar, M.L.A., Labour Leader and President of the Textile Workers' Union, Nagpur, stated: "Labouring classes do take a peg or two in the evening just as a sort of relaxation. Certain sections of the labouring classes who were drinking before Prohibition do appreciate Prohibition. In

Nagpur I have come across families who have actually benefited, because of Prohibition . . . active public support is entirely lacking. . . . You cannot rely upon the Executive also to suppress the drink habit. This should have been preceded by more educative propaganda. . . . During our struggle for freedom we had subscribed to the view that Prohibition should be introduced. . . . When we were fighting a foreign Government moral fervour was very strong. . . . Many a permit-holder gives a peg or two to his guests who are not permit-holders. Others take a permit from the doctor and get rum or brandy from the chemist. . . . There is a large amount of illicit distillation going on in Nagpur and I am satisfied that this statement is true. In Nagpur there are families whose only business is to carry on illicit distillation. If one of them is caught by the Police, others maintain his family. This is because the gains are high. . . . Today, the lower classes of the community are consuming this illicitly distilled liquor. Weak liquor should be available to the ordinary man in a reasonable quantity. Illicit liquor at present available is very unhealthy. . . . To-day too many poisonous drinks are being consumed by the people. . . . I know of a good doctor who would not hesitate to give a wrong certificate to a person who just wants to have a drink. . . . If you go to the mine area or certain other areas it is impossible to enforce Prohibition. I think the over-all consumption of liquor, legal as well as illegal, has increased in general. Prohibition has resulted in bribery and corruption. . . . I would keep the ideal of Prohibition and follow temperance as a practical proposition”.

Dr. Subramaniam, Health Officer, Nagpur Corporation, stated: “Some of the sweepers indulge in the manufacture and sale of liquor and he knows four or five instances of convictions, which were followed by their dismissals. To his information the price of a bottle of illicit distillation ranges from Rs. 8 to Rs. 14 which makes it a very lucrative business which attracts some of the sweepers. Some cases were detected of some sweepers drinking methylated spirit which was used as a preservative for an anatomical specimen in the Mayo Hospital. The leakage of methylated spirit became so frequent that it had to be replaced by pharmlin (a kind of pure rectified spirit). Even this stuff was drunk with fatal results. In his opinion the drinking of methylated spirit or illicitly distilled liquor or the tinctures that are used as substitutes are highly pernicious to health”.

A number of workmen and wage-earners submitted a memorial to the Committee and personally appeared before the Committee. From them it was gathered that stills were maintained in the localities of Indora, Bhan-kheda, Pachpawali and other places in Nagpur City and that most of the dhobis and workmen persist in their habit in spite of the law, either by drinking illicitly manufactured or smuggled liquor, or chemicals or some medicinal drugs of injurious nature as described above. According to them the price of illicit distilled liquor varies between Rs. 8 to Rs. 10 per bottle depending upon the demand and supply at any particular time. Some of these people, when caught drinking, escape from the arm of the law by tipping the Police officers. Even Sub-Inspectors, as alleged, receive regular payments for conniving at the breaches of the Prohibition Act. The President of the Dhobi Association of Nagpur estimates that out of 800 dhobis, about 500 males and females might be still drinking liquor stealthily.

We may now briefly refer to the evidence of two wet districts to have an idea of the state of things prevailing there.

Seoni (District Chhindwara)

Shri B. G. Karve, Pleader, stated: "There is no Prohibition here. I know that many people from dry areas come and take drinks here. In the wet areas there has been no reduction of drinking which is not only immoral but it is also sinful. There is illicit distillation but it is confined to the gonds, who live in the interior and it is, therefore, easy for them to distil liquor".

Shri R. N. Bhargava, Member of the Socialist Party, stated: "Some people say that they have given up drink but they have not, in fact, given it up. There is illicit distillation, although it is not a dry area in the interior, i.e., where mahua trees grow. If Seoni is dry, people will go to the interior to drink illicitly distilled liquor. There is corruption among Government officers, the lower Government staff and even at the higher levels and practically everywhere".

Shri Girjanand, Advocate, President, Municipal Committee, Seoni, stated: "Illicit distillation prevails in the interior among those castes, ordinarily, who regard it as a social custom; and some other people also who cannot resist the temptation, go to the area and obtain liquor from there. There are also some among the Excise officers, who drink. I am a Congressman".

Shri R. P. Verma stated "I am sorry to say that recently even the people of high caste have taken to drink. Even some of the parwars have started drinking".

Shri Ram Singh, Forest Contractor, stated: "There is illicit distillation going on in Seoni. I have got a motor body workshop at Nagpur. I have under me a labour force of 100. They all drink stealthily. They get their liquor through agents who tell them the place where bottles are kept. People purchased bottles formerly at Rs. 2-2-0, but now they are sold at Rs. 12. In Nagpur there were six liquor shops before the Prohibition and four foreign liquor shops. Now there must be 2,000 people selling liquor in Nagpur".

Shri N. I. Kurian, Divisional Forest Officer, Seoni, stated: "Illicit liquor is cheap, easily available and stronger. Mahua is easily available. As the margin of profit is high, illicit distillers do not feel the effect of fines. I drink occasionally".

Shri Narayan Prasad Jaiswal, Forest and Excise Contractor, states: "Nowadays higher classes have begun to drink; they get country liquor through their agents. People from dry areas take away bottles from here".

Jabalpur District

Shri Rajendrasinghji Beohar, M.L.A., stated: "Prohibition was a part of the Congress Programme. No public meetings were held in the last two or three years asking for Jabalpur to be made dry. It appears from the auction sales of excise shops in Mandla district, that the sale prices of shops have increased considerably. I think that to drink is a sin because it generates other evils. In the cities and in the wet areas there has been increase in drinking. Corruption among officials has increased".

Shri Sorabji Pantey stated: "Congressmen (except a few) who profess that they are abstainers, drink behind the screen. In 1948, when I went to buy a bottle of whisky at Curserji Company, Sadar Bazar, I was asked to wait because some gentleman who came in a car wanted three bottles of the same. The dealer handed over three bottles of whisky to the driver, and asked the name of the buyer. His name was not disclosed but the driver said that his name be entered as the purchaser. Then I asked the dealer as to the identity of the buyer. I was told that he was the Excise Minister".

I have seen many people who put on white caps drink in clubs in Jabalpur".

Father C. H. Doubleman, Prefect, Roman Catholic Mission, Jabalpur, stated: "I have been in Jabalpur for twenty-one years. I am in contact with all kinds of people and I hear that educated and well-to-do people who used to take foreign liquor are now taking country liquor".

Shri Harischandra Verma, Joint Editor, "Shakti", stated: "My experience is that people from Katni come to Jabalpur for a drink. I observe people drinking daily".

Shri Lal Harinarayan Jaiswal, Excise Contractor, stated: "It is because the districts round about Jabalpur have become dry that the sale of Jabalpur town has increased as well as the licence fee also. In 1946 at Jabalpur, it was 9,000 in 1947-48, 1,10,000 in 1949, 1,35,000 in 1951, 1,18,000. The reduction of the quantity in 1951 was due to the raising of the prices of liquor. Illicit distillation of one bottle costs annas 4 whereas it is purchased for Rs. 3 or Rs. 4 and in some areas it is sold at Rs. 10 per bottle. In the present generation of Marwari and Parwar communities, drinking has become common. Among the Hindus, Telis, Malis, Dhobis, Barhaies, Lohars and all those who have to work hard, drink. Among the vaishyas it was limited but now it is on the increase. The kshatriyas also drink. Brahmins did not drink before as a rule but they have also started drinking".

Shri Mangu Gau Uikay, Secretary of Gond Sabha and Founder of Adi Jati Seva Sangh, stated: "I come from Mandla district. In my tour of Brahmapuri I found that there was extensive illicit distillation. It has become a lucrative trade because while the cost price of one bottle of liquor is annas 4, its market price is Rs. 4. At Chargaon near Bargi station, I learnt that people pay Rs. 18,000 to the Police every year for their connivance at smuggling illicit liquor from wet areas to dry areas. The Police and Excise officers, merchants, liquor contractors and money-lenders, all conspire to defeat the Prohibition Law".

Shri Chiranjilal Upal, a distributor of radios in five provinces, stated: "The consumption of liquor has doubled and the price has gone up eight times. I saw in the Empire Hotel in Nagpur a bottle of gin being sold for Rs. 72 while it was sold at Rs. 12 at Jabalpur".

Shri Punamchand Verma, President, Congress Committee, Katni, stated: "I used to report cases of illicit distillation to the Excise and Police officers, but no action was taken. The illicit distiller earns profit out of which he

makes regular payment to the officers. He engages even his womenfolk and children to sell liquor. Even some Congressmen are not free from the vice of drinking”.

Shri Burhanul Haq, M.L.A., Jabalpur, stated : “I personally witnessed cases of smuggling and cases of illicit distillation on a large scale round about Katni”.

Shri J. K. Sao, District Excise Officer, Jabalpur, stated : “The number of drinkers has gone up on account of the influx of refugees. The crime of illicit distillation is kept under check in the wet areas, because contractors take care to report. In the educated society drinking is on the increase, including Parwars, Marwaris and persons of high social standards”.

Shri H. C. Narad, Journalist, stated : “In Jabalpur, the drinking habit is increasing among the young, whether of the business community, service class or students”.

Rev. T. Martin, Teacher in the Christian High School, Jabalpur, also shares the view that drinking is increasing nowadays. As also Mrs. Yusufji, Superintendent of the Mission, Jabalpur, who says that there is plenty of drinking in Jabalpur among dhobis, mochis, shoe-makers and others.

The above evidence may be briefly summarised as follows :—

- (1) That there has been no elimination of drink, but on the contrary, the classes which hitherto were free from it have now taken to it.
- (2) That illicit distillation takes place on an extensive scale in all the dry areas and wet districts as well and that the moneyed men finance the business which is carried on by unruly elements of the society.
- (3) That smuggling occurs on an extensive scale through transport agencies, railway trains, head-loads, country carts and cycles, besides visits of drinkers from dry to wet areas.
- (4) That the lower ranks of the enforcing staff, both the Police and Excise, are corrupt as also addicted to drink with the result that they collude and connive at the offences of illicit distillation and smuggling.
- (5) That sections of the masses such as dhobis, sweepers, mine-workers, etc., drink illicit liquor which is deleterious.

It is in the light of this information that we have to interpret the quantitative evidence contained in the official records.

SECTION B.—EXAMINATION OF OFFICIAL STATISTICAL FIGURES WITH THE AID OF ORAL EVIDENCE

With the aid of the information derived from the witnesses and memoranda received from official and non-official quarters we have to examine and interpret the official data to determine how far Prohibition has been effective in eliminating or reducing the “drink evil”.

Illicit Distillation.—The table below gives the number of cases of illicit distillation detected in the entire State and the number contributed by the dry districts :—

Illicit distillation cases in dry and wet areas

Year			Dry	Wet	Total for the State
(1)			(2)	(3)	(4)
1937 ..	..	..	..	1,877	1,877
1938 ..	..	..	16	1,938	1,954
1939 ..	..	..	132	1,886	2,018
1940 ..	..	..	263	2,537	2,800
1941 ..	..	..	390	2,829	3,219
1942 ..	..	..	463	2,602	3,065
1943 ..	..	..	512	3,226	3,738
1944 ..	..	..	746	2,981	3,727
1945 ..	..	..	714	3,709	4,423
1946 ..	..	..	1,188	3,550	4,738
1947 ..	..	..	2,104	2,598	4,702
1948 ..	..	..	2,502	2,830	5,332
1949 ..	..	..	3,615	3,013	6,628
1950 ..	..	..	1,030	3,494	4,524

The statement clearly shows that illicit distillation has been on the increase since prohibition. The number of cases detected is a fair index of the extent of prevalence of illicit distillation in a particular area, and it would be a reasonable inference to draw that this anti-social activity is on the increase. Absence of detection on the other hand does not show that illicit distillation does not exist, and the fact that there have been fewer detections in any area may be attributable either to the inactivity of the enforcement staff or to the fact that illicit distillers have been driven underground or to the clever methods of evasion adopted by illicit distillers.

Illicit distillation on the increase generally in the State.—The figures of cases of illicit distillation although registering a steady increase, by themselves are not so impressive, because it is generally known that the number of cases detected are only a very small fraction of the number of crimes actually committed. Both the Police and the Excise Officers, have stated that out of every 100 illicit distillations carried on, perhaps only one case is actually detected. This is so because of the ease with which the offence can be committed, the inadequacy of the enforcement staff, the inaccessible area in which illicit distillation occurs and the absence of public opinion against this form of anti-social activity. These figures when taken with the verbal testimony of hundreds of reliable witness, besides the memoranda received, present an impressive record of the growing prevalence of illicit distillation.

Statement showing the illicit distillation cases detected in Madhya Pradesh from the year 1937 and onwards in wet and dry areas.

NOTE.—The figures in bold pertain to dry areas.

District	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Nagpur ..	260	167	207	236	248	251	385	413	367	320	365	701	767	89
Wardha ..	60	93	37	46	128	106	156	214	199	279	178	221	297	171
Chanda ..	84	61	82	89	105	70	166	118	157	143	275	320	374	155
Chhindwara ..	236	235	231	367	392	344	419	439	462	477	363	601	539	619
Seoni Sub-Division	24	65	32	60	93	67	67	142	165	180	163	601	539	619
Betul ..	135	148	105	220	282	218	207	249	351	263	194	208	209	306
Jabalpur ..	48	45	43	54	105	63	78	135	113	142	86	73	96	114
Sagar ..	1	7	3	5	Nil	6	5	2	2	8	7	25	65	32
Damoh Sub-Division	2	1	7	6	6	5	7	Nil	6	7	17	25	65	32
Mandla ..	89	207	222	328	340	388	454	234	417	316	236	171	287	287
Hoshangabad ..	37	36	32	59	155	48	25	35	29	45	33	7	4	Nil
Narsimhapur Sub-Division	12	8	3	4	2	7	2	5	4	4	8	7	4	Nil
Nimar ..	64	46	96	83	81	71	56	57	112	90	25	10	15	1
Raipur ..	43	64	45	24	100	164	109	203	200	299	323	549	723	414
Bilaspur ..	63	61	94	92	77	65	58	33	135	145	126	146	114	58
Durg ..	29	20	39	32	31	37	39	40	26	24	27	37	11	23
Bhandara ..	110	107	126	176	231	261	261	205	259	244	173	183	336	423
Balaghat ..	109	124	150	209	244	142	180	205	186	145	164	113	181	169
Annavati ..	54	42	64	93	135	151	278	189	169	198	198	55	13	18
Akola ..	128	90	82	178	147	175	833	322	303	591	950	934	731	305
Buldana ..	138	159	143	172	146	113	159	194	186	179	164	168	151	207
Yeotmal ..	131	169	175	265	294	296	424	384	535	640	626	435	459	685
Bastar ..	..	..	..	..	..	..	..	..	..	..	..	284	77	171
Surguja ..	..	..	..	..	..	..	..	..	..	..	..	44	100	231
Raigarh ..	..	..	..	..	..	..	..	..	..	..	..	47	158	88
Total	1,877	1,934	2,018	2,800	3,219	3,065	3,738	3,727	4,423	4,738	4,702	5,332	6,628	4,524

Illicit distillation—a cottage industry—new methods perfected.—Witnesses were not few who stated that illicit distillation has become almost a cottage industry, and that even women and children were pressed into its service. Mahua, the chief base for distillation, and firewood are available in plenty. The existence of large number of outstills as a regular feature of the Excise Administration throughout the State has made the process of illicit distillation widely known, which is simple enough. Liquor can be produced out of almost any organic substance containing sugar. The commonest amongst them in the State are mahua flowers. They are used both as food and fodder. The raw material for the production of liquor is, therefore, readily available and legally obtainable even in dry areas. The apparatus required for illicit distillation is simple and inexpensive. The old-time bamboo or metal retort which could be distinctly identified and proved as an apparatus used for distillation has now been replaced by a simple device which is generally employed by the householder for manufacturing liquor for private consumption and by the small scale illicit distiller operating in places where the chances of detection are comparatively greater. A small earthen vessel is suspended inside a bigger one by means of a string. The fermented mahua is placed in the outer vessel, which is covered by a metal pan, which serves as a lid. The lid is filled with cold water and acts as a condenser. The entire apparatus is placed on fire and has the appearance of food being cooked. This apparatus provides a perfect running still and has the advantage of being destroyed in an incredibly short time to elude the grasp of the enforcement staff.

The Nayudu Committee, 1937, after stating that illicit distillation up to the year 1920 had been mainly confined to the districts on the Satpura Plateau among the aboriginal population, and that the northern wheat districts and the open Chhattisgarh country were practically immune from this crime while in the cotton districts methods of illicit distillation were almost unknown in the urban areas and the better developed rural areas, observed as follows :—

“We are driven irresistibly to the conclusion by these facts that during the last fifteen years the knowledge necessary for the manufacture of liquor has spread to all parts of the Province and the malpractice has assumed such proportions that it is a serious menace to the control of the consumption of country liquor in almost every district of the Province.”

Appendix II, Statement of pages 50 and 51 of that report shows how from the year 1921 when the policy of gradual prohibition came into force to the year 1934, illicit distillation has been advancing from the rural to the urban areas in all the districts. This can be illustrated by the undermentioned table relating to Nagpur district :—

Year		Total No. of cases under the Prohibition Act	Illicit distillation	
			Urban	Rural
(1)		(2)	(3)	(4)
1946 ..	..	334	274	46.
1947 ..	..	1,647	260	105
1948 ..	..	3,869	547	154
1949 ..	..	3,793	664	169
1950 ..	..	1,688	78	11

Although the main sources of supply may even now be the comparatively big stills operating in the villages adjacent to towns, there is no doubt that in the towns themselves their number presumably is not small. Speaking about Nagpur City only, it is known that there are clandestine stills in Hansapuri, Indora, Itwari Station, Imambara, Sadar Bazar, Mangalwari, Rajabaksha, Bhankheda, Ganjipeth, Pachpaoli, besides the adjacent villages like Narkhed and Digdoha. In Nagpur, on the 23rd of May last, two truck-loads of liquor distilling apparatus and 17 gallons of illicit liquor was seized in a raid on the Qilla area by the City Superintendent of Police, Nagpur. It has been estimated that the daily sales of illicit distillation in Nagpur town average Rs. 10,000. Illicit distillation yields large and quick profits. No wonder that it is getting organised in recent years attracting moneyed people in search of investments. Newer-methods are being discovered and perfected for fermenting Mahua speedily and it has been stated before us that even sulphuric acid is utilised for fermenting Mahua rapidly. Illicit distillation has, therefore, become the chief source of supply in dry areas. In addition to the hundreds of small stills operated by the householders of the small distillers, there are stills of a capacity fairly comparable to the outstills which are legally operated in outlying tracts of the wet districts. The incognito and ubiquitous methods adopted by the miscreants elude detection. In case of detection, offenders are assured of counsel; in case of prosecution, if convicted, their fines are paid in full; if imprisoned, their families are cared for. When raids are organised, they generally prove abortive because advance information reaches offenders. Assaults on the raiding staff are not infrequent. The number of seizures appear to leave the total in operation at the end of any period at least not less than before. The price of illicit liquor varies with the demand and with the place in which it is sold. It has been stated that it varies from Rs. 2 per bottle to Rs. 10 per bottle.

The figures of illicit distillation cases read with the statements of reliable witnesses offer convincing testimony to the ineffectiveness of the enforcement staff against this source of supply. The ease of production, the improved methods and growing perfection of organisation, the cheapness and easy accessibility of materials in abundance in the localities where such plants can be operated with the minimum risk of discovery, the ease with which they may be concealed, and the considerable amount of profits involved, have made illicit distillation an established form of occupation for a large number of people. Prohibition has created a demand for the illicit liquor and the growing prices of foodgrains and other necessities of life have driven a large number of people to adopt this nefarious vocation. To them Prohibition has been a charter to open a blackmarket in dry areas without fear of any lawful rival.

It is said that for the undermentioned reasons illicit distillation has no co-relation with Prohibition:—

- (1) Illicit distillation is not a new phenomenon created by Prohibition as it existed even when there was Excise Policy alone in force in the whole State.
- (2) The increase in the number of detected cases has no correlation to the total quantity produced.
- (3) The number of detected cases show great fluctuation in the decades preceding and following Prohibition, e.g., the figures in the years 1935 and 1945 were nearly equal, viz., 4,537 and 4,423.

We concede that Prohibition did not create illicit distillation but claim that it has been sumptuously feeding it. It cannot be denied that there is correlation between administrative control and illicit distillation. Up to 1920 (inclusive) this administrative control was exercised in two ways (i) Positive: by regulation of the issue price rates in such a way as to suit the pockets of all classes of drinkers of country liquor and thereby retain their good-will, (ii) Negative: by detection and punishment of the illicit distiller. In 1920 the sale of licensed liquor was 1,011,849 proof gallons and the number of detected cases of illicit distillation was 423. It may be noticed that at that time the Excise Staff was solely employed in the work of detection, not as in 1945 and now when the Police and the Excise Staffs have to perform other duties as well. The illicit distillation in 1920, as Nayudu Committee observed, was for home consumption, not for the market. In 1921, when the policy of gradual Prohibition came into force, the current Excise Policy was introduced, viz., reduction of consumption by enhancing the issue price rates. The necessary result was (as Nayudu Committee pointed out) the relaxation of control over the drinkers and stimulation of illicit manufacture. With the advent of Prohibition the control over the drinker came to be relinquished wholly by closure of licensed shops. The process begun in 1921 was thus accentuated and the racketeer got the whole field for his depredations in the dry areas. Prohibition was introduced on the assumption that the law was only a legislative expression of the desire of the addicts to forswear drink. Viewing the problem from this angle, as it ought to be, the inter-relation between illicit distillation and Prohibition would be as follows :—X quantum of illicit distillation=X quantum of demand for drink=X extent or measure of the necessity for administrative control=X extent or measure of failure of Prohibition (inviting re-establishment of control). It is, therefore, impossible to avoid an enquiry into the extent of the prevalence of illicit distillation in a review of the effect of Prohibition.

It is true that the number of detected cases is not an index to the total quantity produced and consumed. But as we are dealing with the problem of "drink evil" we are not concerned with arithmetical calculation so much as the tendency towards decrease or increase. Let us consider the above mentioned instance of illicit distillation in 1935 (pre-Prohibition) and 1945 (post-Prohibition). The detected cases were respectively 4,537 and 4,423. Why should they be so? If Prohibition had any desired psychological effect on the drinkers, apart from the best efforts of the Police the cases in 1945 would not be as high as those in 1935. The drink evil becomes all the more glaring when one looks at these figures in conjunction with the consumption of licit liquor in those years. They are as follows :—

Year	Licit liquor	Illicit distillation cases
(1)	(2)	(3)
1935	332,570 (whole province) ..	4,537
1945	643,933 (only wet areas) ..	4,423

In spite of the consumption of licit liquor being nearly double in 1945, the level of detected cases remains almost the same as in 1935. Does it not show that there was, in fact, an increase in the thirst for liquor in 1945? Could it be confined only to the wet areas?

Let us glance at the years which follow and observe the trend:—

Year	Licit liquor (52 per cent) of the State,			Illicit distillation cases
(1)	(2)			(3)
	Gallons			
1946	720,331			4,738
1947	565,167			4,702
1948	709,273			5,332
1949	623,260			6,628
1950	568,176			4,524

Taking the year 1935 as the base, what does this trend show?

Let us now turn to the important dry districts:—

District	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Nagpur	260	167	207	236	248	251	385	413	367	320
Wardha	60	93	37	46	128	106	156	214	199	279
Raipur	43	64	45	24	100	164	109	203	200	299
Akola	128	90	82	178	147	175	833	322	303	591
Amravati	54	42	64	93	135	151	278	189	169	198

It is true that the figures vary but they are impressive as showing that the detected cases do not exhaust the number of stills actually working. Confining ourselves to the last five years, we find that the highest figure in Nagpur was 767 in 1949, in Wardha 171 in 1950, Raipur 723 in 1949, Akola 950 in 1947, Amravati 141 in 1950.

Now with one still a man may commit many crimes of manufacturing liquor, before he is caught. Each still detected would mean certain number of rounds of distillation. Take the instance of Kandri mines, Mr. Andrews, said that there were 25 stills operating in the forests surrounding the mines. He blamed the Police for their remissness; but if they are alert and go round combing the forest the whole day and stumble on one still, they would be seizing only one out of 25 stills. If each still had 10 rounds before detection of one still, the police would be detecting only one case of distillation out of 250 distillations, effected with the aid of 25 stills. Thus the ratio in that area of the detected cases to the total number of crimes would be 1 : 250 at the moment.

It is thus clear that the seizure of one still means much more than one distillation, which may yield any quantity varying with the size of the still, say 1 to 6 gallons. The total number of detected cases will vary in direct proportion to the efficiency, vigilance and integrity of the detecting agency and since these virtues are at a low ebb now, the proportion of the total number of distillations and the quantity produced to the number of detected cases will be very high. The ratio of 1 : 100 as estimated by the Inspector-General of Police may be taken as approximately correct as it includes the stills producing liquor for private consumption.

Smuggling.—Illicit distillation is of course, one source of supply, but is not the only one, and smuggling makes no little contribution to the infringement of Prohibition law. The State being partially wet and partially dry, licit liquor is available in the wet districts and is clandestinely transported by railway trains, buses, bullock-carts, head-loads and cycles and in cycle tubes. It is impossible to stop or even to check to any appreciable degree the illegal transport of liquor from the wet districts to the dry districts, which is carried on in numerous ways which human ingenuity can devise. The total area of the State is 101,088 square miles (excluding merged States) out of which 39,643 square miles are dry. The total population according to 1941 Census was 16,813,384 (excluding merged States) of which 8,043,000 souls have been prohibited from drinking. After the promulgation of the Prohibition law in a part of the State, it would be reasonable to expect that the total consumption of the wet areas would be proportionately reduced. Let us examine the following figures which show that there has not been a proportionate reduction in the total consumption of the State as a result of a substantial part of the State going dry:—

1937	..	..	..	461,804	1944..	..	..	707,915	
1938	..	..	..	501,544	1945..	..	..	643,933	
1939	..	..	..	512,757	1946..	..	..	720,331	
1940	..	..	..	482,864	1947..	..	..	565,167	
1941	..	..	..	514,592	1948..	..	..	554,144	} Excluding States.
1942	..	..	..	629,642	1949..	..	..	559,653	
1943	..	..	..	486,170	1950..	..	..	568,176	

The figures of consumption for 1949-50 show that there has been an increase over the figures of 1940-41. The inference that the population in the dry areas which has been prohibited from drinking are illicitly consuming a substantial portion of the licit liquor which is intended for consumption of the population who are permitted to drink in the wet areas, is irresistible. In other words, smuggling contributes to the total consumption of the State. Let us examine this a little more closely. The consumption of liquor is affected by two factors, i.e., issue price and the general economic conditions. The statement which follows gives the issue prices and figures of consumption from 1904 to 1950. It will be observed that issue prices have been steadily on the increase:—

Statement showing country spirit-consumption and issue price rates

Year (1)	Consumption (2)	Issue price rate per proof gallon (3)	
		Rs. a. p.	Rs. a. p.
1904	567,035
1905	975,628
1906	1,181,122
1907	1,110,586
1908	784,039 from
1909	783,341 from
1910	1,039,688 from
1911	1,066,880 from
1912	1,201,346 from
1913	1,167,051 from
1914	1,016,700 from

Nil.

0 15 0 to 3 2 0
0 15 0 to 5 0 0
0 15 0 to 5 0 0
0 15 0 to 5 0 0
0 15 0 to 5 15 0
0 15 0 to 5 15 0
0 15 0 to 5 15 0

Statement showing country spirit consumption and issue price rates—contd.

Year (1)	Consumption (2)	Issue price rate per proof gallon (3)	
		Rs. a. p.	Rs. a. p.
1915	920,845 from	0 10 0	to 6 14 0
1916	1,097,427 from	0 10 0	to 7 13 0
1917	1,098,299 from	0 10 0	to 10 15 0
1918	1,221,137 from	0 10 0	to 10 15 0
1919	1,469,877 from	0 10 0	to 10 0 0
1920	1,011,849 from	0 10 0	to 12 13 0
1921	560,125 from	0 10 0	to 12 13 0
1922	518,607 from	0 15 0	to 12 13 0
1923	451,719 from	0 15 0	to 17 8 0
1924	531,945 from	1 9 0	to 21 14 0
1925	554,375 from	1 9 0	to 21 14 0
1926	469,998 from	1 9 0	to 21 14 0
1927	451,849 from	1 9 0	to 23 2 0
1928	470,970 from	1 14 0	to 23 2 0
1929	479,020 from	1 14 0	to 23 2 0
1930	321,677 from	1 14 0	to 23 2 0
1931	195,446 from	1 14 0	to 23 2 0
1932	188,289 from	1 14 0	to 20 0 0
1933	305,670 from	1 14 0	to 16 4 0
1934	317,820 from	1 14 0	to 16 4 0
1935	332,570 from	1 14 0	to 16 4 0
1936	331,161 from	1 14 0	to 13 2 0
1937	461,804 from	1 14 0	to 10 0 0
1938	501,544 from	1 14 0	to 13 2 0
1939	512,757 from	1 14 0	to 13 2 0
1940	482,864 from	1 14 0	to 15 0
1941	514,592 from	1 14 0	to 15 0
1942	629,642 from	1 14 0	to 15 0 0
1943	486,170 from	1 14 0	to 15 0 0
1944	707,916 from	2 13 0	to 21 14 0
1945	643,933 from	4 11 0	to 28 7 0
1946	720,331 from	3 12 0	to 28 7 0
1947	565,167 from	3 12 0	to 28 7 0
1948	554,144 from	6 4 0	to 28 7 0
1949	559,653 from	5 7 8½	to 29 6 0
1950	568,176 from	7 13 0	to 29 6 0

The item of issue price, therefore, may be ignored. The prosperity of the war years was preceded and succeeded by lean years when the general economic condition of the State was far from satisfactory. The years after the war should have brought about reduction of consumption and the amount of reduction should have been proportionate to the population excluded under the Prohibition Act. The fact that consumption in 1947, 1948, 1949 and 1950 is equal to or more than the consumption in 1938, 1939, 1940, 1941 and 1942, clearly shows that the system of dry and wet areas did not work, and that smuggling continued to provision illicitly the dry areas with licit liquor.

The following statement showing the consumption of country spirit per 100 of the population from the year 1935 to 1949 for the whole State is given below which supports the same conclusion :—

Statement showing the consumption of country spirit per 100 of the population in gallons for the years

District	1937	1938	1939	1940	1941	1942	1943
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Nagpur	6.85	5.0	4.58	4.01	4.97	6.96	6.15
Wardha	1.77	1.15	..	..	..	..	..
Chanda	5.05	7.40	7.41	11.12	13.97	13.85	1.51
Chhindwara	4.15	8.04	8.73	7.41	7.16	8.90	8.18
Seoni	1.49	3.64	5.00	4.08	4.50	5.24	4.96
Betul	7.83	15.48	15.13	13.68	13.78	18.70	13.24
Jabalpur	5.30	4.47	4.55	5.2	6.19	7.23	6.41
Sagar	1.57	..	..	..	..	..	..
Damoh .. .. .	..	..	..	..	..	..	..
Mandla	1.86	10.62	14.73	14.34	13.08	22.44	21.01
Hoshangabad	2.66	1.50	1.41	1.23	1.43	2.37	2.47
Narsimhapur	0.67	..	..	..	..	..	..
Nimar	4.16	2.44	2.11	2.90	3.0	3.65	4.00
Raipur	1.72	3.56	3.37	1.6	6.1	6.4	4.50
Bilaspur	1.60	1.92	2.18	2.3	2.36	2.83	15.48
Durg	0.74	2.25	2.07	2.17	2.11	2.17	1.95
Bhandara	2.52	2.48	2.36	2.49	2.65	3.35	3.15
Balaghat	3.39	3.54	8.21	7.54	6.54	3.68	3.49
Amravati	4.07	2.43	1.90	0.24	2.41	3.41	3.38
Akola	3.51	1.95	..	..	..	..	..
Buldana	3.84	1.80	1.27	1.41	1.81	2.51	..
Yotmal	2.97	2.23	1.28	2.27	2.35	3.05	3.13
C. P. Wet .. .. .	..	..	4.65	5.05	5.84	6.61	5.54
C. P. Whole	3.39	3.81	3.99	3.70	3.92	4.85	3.83
Berar Whole	3.61	2.04	1.13	1.54	1.77	2.33	2.38
Whole Province	3.43	3.39	3.34	3.20	3.41	4.23	3.45
Wet Whole .. .. .	..	..	4.02	4.33	5.11	5.31	4.83

District	1944	1945	1946	1947	1948	1949	1950
(1)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Nagpur	7.70	8.36	7.81	..	..	..	..
Wardha .. .. .	..	..	..	..	..	..	..
Chanda	1.53	9.55	12.34	13.54	36.52	23.38	16.29
Chhindwara	12.87	8.47	9.50	7.40	8.2	8.08	7.38
Seoni	8.58	6.40	8.05	6.85	5.8	8.09	6.6
Betul	17.76	13.32	15.99	13.43	8.27	9.20	7.59
Jabalpur	7.64	8.49	9.26	8.41	5.9	9.04	8.51
Sagar .. .. .	..	..	..	..	..	..	..
Damoh .. .. .	..	..	..	..	..	..	..
Mandla	15.43	16.41	20.88	20.07	14.0	20.27	25.00
Hoshangabad	6.90	3.75	2.82	..	..	..	..
Narsimhapur .. .. .	..	..	..	..	..	..	..
Nimar	5.56	5.20	4.95	..	..	..	..
Raipur .. .. .	..	..	..	..	..	..	..
Bilaspur	25.3	12.46	7.8	8.01	6.37	7.30	6.05
Durg	3.67	1.46	..	..	4.55	4.62	5.48
Bhandara	7.13	7.24	8.43	9.68	8.10	7.51	6.87
Balaghat	7.05	6.01	8.66	9.29	10.22	11.83	11.19
Amravati	5.12	5.34	4.85	18.00	15.60	13.96	2.8
Akola .. .. .	..	..	..	..	..	..	..
Buldana	4.63	4.17	10.15	10.47	12.02	10.63	3.89
Yotmal	5.77	5.61	5.00	5.12	5.12	3.79	3.19
C. P. Wet	7.19	..	8.08	8.79	8.39	9.35	7.76
C. P. Whole	5.43	4.92	5.58	4.43	4.05	3.75	3.59
Berar Whole	3.88	3.88	3.68	2.69	3.18	4.03	3.12
Whole Province	5.04	3.72	5.10	3.98	4.72	3.22	2.89
Wet Whole	7.19	6.21	7.25	7.99	9.66	8.60	8.83

In 1937, the consumption per 100 persons in gallons was 3.43. In 1941, it was 3.41 whereas in 1948, it rose to 4.72. The population of the State is 16,813,384 (1941 Census) and the population of the dry areas is 80,43,000 (1941 Census). In other words in 1949, 9,017,032 persons were drinking 559,655 proof gallons of liquor whereas in 1941, 11,813,384 persons were drinking 514,592 proof gallons of country spirit. The population of this State according to the provisional estimate made by the Superintendent of Census Operations of 1951, is 18,656,918 as against 16,813,384 of the year 1941. Out of this the population in the dry areas is 9,107,580 souls and in the wet areas 9,549,338. The total population according to the Census of 1931 was 15,768,466 souls.

Let us compare the consumption in the year 1949 in the wet areas as a whole with that in the year 1937 (pre-prohibition year)—

Year	Population	Consumption of licit liquor in proof gallons	Rate
			Rs. a. p.
1937	Between 15,768,466 and 16,813,384	461,804	1 14 0 to 10 0 0
1949	9,549,338	559,655	5 7 8½ to 29 6 0

This shows that the wet areas as a whole, i.e., 9,549,338 people drank nearly $1\frac{1}{4}$ times the quantity drunk by 16,813,384 or even 15,768,466, and that too when the lower limit of the rates was four times and the higher was three times those of 1937. Two possible inferences can be drawn from this. Either the consumption of licit liquor by the population in the wet areas has gone up, or that the population in the dry areas continued to obtain their supplies or at least a substantial proportion of their requirements from wet districts. The second inference appears more reasonable; because neither did the issue prices go down to encourage consumption, nor the economic conditions of the wet districts showed any improvement to warrant an increased consumption. Let us look at it from another angle. The total consumption of dry districts in the years prior to which they were declared dry amounted to 205,506 proof gallons. The total consumption of the wet districts should normally be expected to be reduced by this figure. That the consumption of the wet districts in 1949, amounted to 559,655 whereas it should have been nearly half of that figure, taking into consideration the consumption from the year 1937 to 1947, also supports the conclusion that licit liquor was diverted from wet areas to dry areas in no small degree.

This inference is re-inforced by a glance at the district figures. Wardha and Akola were declared dry with effect from 1st January 1939 and Raipur from 1st January 1940.

Wardha is contiguous to Chanda district. In Wardha the consumption in 1938 was 5,712 gallons. In Chanda district the consumption began to increase from that year as follows :—

	1938	1939	1941	1942	1943
Chanda ..	51,304	55,798	59,152	67,998	Outstill system introduced.

The figures of population of Wardha and Chanda according to 1941 Census were respectively 519,330 and 873,284. They may well be taken to be stationary up to 1942, and there was no influx of population in Chanda on account of war effort. How can we account for these sudden spurts in sales in Chanda except on the hypothesis that the neighbouring Wardha district had a share in it?

As to Akola (which was declared dry in 1938-39), the districts contiguous to Akola are Amravati, Yeotmal and Buldana. Amravati was declared dry in 1946, and Yeotmal and Buldana (except the town) have always been wet—

		1938	1941	1942	1944	1945
Amravati	..	22,922	24,714	36,631	50,590	52,898
Yeotmal	..	19,197	20,164	26,276	51,307	49,829
Buldana	..	13,862	13,899	20,636	25,661	38,034

Population according to the Censuses of 1941 and 1951 was as follows:—

		1941	1951
Amravati	..	988,524	1,032,669
Yeotmal	..	887,738	933,562
Buldana	..	820,862	870,816

Presumably there could not be any change in the population until after 1945.

In the year 1947 the District Magistrate, Yeotmal, ascribed the rise in illicit distillation there to the demand from the adjoining liquor prohibited areas. (See Report of Judicial Administration—Criminal, 1947).

As to Raipur, the Government Resolution on the Excise Report for the year 1940 itself notes that there was a sudden jump of 7,000 gallons of country spirit consumed in the few remaining shops outside the dry and shopless zones in the Raipur district.

It is said that unless we are able to ascertain the saturation point of consumption in the wet areas, there can be no inference of any overflow to the dry areas. We are not impressed by this argument in view of the fact that the increase in the volume of liquor sold in the wet area is strikingly abnormal and there is reliable evidence of smuggling on large scale from the wet to the dry areas, which is more profitable than smuggling from low duty to high duty areas as is usually the case.

Other sources of supply : Foreign liquor.—Notwithstanding the Prohibition Act, foreign liquor appears to have received favourable treatment as compared with country liquor. The Prohibition Act itself exempted the military personnel and non-Asiatics from its operation, and empowered Government to notify exemptions and frame rules providing for issue of permits and licences for possession and consumption of any liquor. Rule 7 of these Rules authorised grant of permits to individuals on the ground of their social and economic status, to possess and consume foreign liquor. But there was no such exemption in respect of country spirit. The Excise Reports contain no information about the number of permits or the quantity of foreign liquor

consumed by the permit-holders. Information regarding the number of permits issued was furnished to the Committee for the years 1946 to 1950 but not earlier. The number of permits issued were as follows :—

Statement showing the number of permits issued in the dry districts from 1946 to 1950.

Name of the district	1946	1947	1948	1949	1950
F. L. XII—					
1. Sagar	41	16	18	14	29
2. Akola	14	4	7	6	11
3. Wardha	8	5	14	..	17
4. Jabalpur	8	7	7	5	7
5. Raipur	11	17	36	20	24
6. Nimar	17	18	16	14	14
7. Nagpur	48	76	250	288	301
8. Amravati	33	34	39	35	53
9. Hoshangabad	2	3	..	40	24
10. Buldana	1	..	..	..	..
F. L. XII—A permits	8	1	18	21	54
F. L. XII—B permits	5	..	..	..	..
Total	196	181	405	443	534

Foreign liquor is obtainable in dry districts by means of F. L. Permits XII and XII-A. There is evidence to show that the system of exemptions under permits tends to put alcohol into circulation although the limit of possession is fixed under the permit—six bottles per month, and two bottles at a time. A permit-holder in dry district can obtain supplies in addition to this quota from the wet areas.

Assuming that each permit holder exhausted his quota the consumption in bottles would be as follows :—

1946	1947	1948	1949	1950
14,112	13,032	29,160	31,896	38,448

The increase in the number of permits and the estimated quantity consumed shows an upward trend. It is highly probable as some witnesses have stated, that the quantity of liquor issued under the permit is shared by non-permit-holders also. The most conservative inference that one can draw from this is that the drink evil among the upper classes is not reduced.

It may be explained here that foreign liquor includes imported spirits, wines and malt-liquors, as well as Indian-made spirits and malt-liquors. The figures of consumption under all these heads are to be found in the Imperial Statement No. 4 of the Excise Reports. As compared with the figures before 1946 the consumption after that year may appear to be small but it must be borne in mind that much of the quantity consumed was reduced on account of the disappearance of European element from the province.

Denatured Spirit.—It is difficult to estimate with any degree of accuracy what proportion of denatured spirit is used for beverage purposes, but there is ample evidence to show that people of the working classes particularly have taken to drinking denatured spirit to an extent which is alarming. Cases have been noticed of persons becoming dangerously ill as a result of drinking

denatured spirit. Reliable witnesses have stated that it is within their personal knowledge that people drink denatured spirit. Statistics show a marked increase in the sales of denatured spirit although this may be attributable to increased industrial activity also.

Statement showing the consumption of denatured spirit in the State of Madhya Pradesh.

Year		Consumption in gallons	Year		Consumption in gallons
1938	.. ..	49,791	1944	.. ..	20,318
1939	.. ..	49,263	1945	.. ..	24,263
1940	.. ..	53,579	1946	.. ..	48,802
1941	.. ..	58,426	1947	.. ..	55,596
1942	.. ..	46,398	1948	.. ..	57,524
1943	.. ..	17,208	1949	.. ..	80,915
			1950	.. ..	83,175

Medicinal Alcohol.—It has not been possible to get accurate figures of the sale of tinctures for various reasons. The chief reason being that as a result of restrictions placed by Government on the sale of tinctures, chemists and some medical practitioners have been obtaining their supplies from bonded pharmacies through their personal agents. These tinctures are purchased locally at the bonded pharmacies and surreptitiously transported to this State. Tinctures like Tr. Zingiberis, Tr. Cardamom Co. contain high percentage of alcohol and can be bought with comparative ease and without undue risks. There is ample reliable evidence to show that this habit is widely prevalent. Tr. Cardamom Co. and eight other tinctures were banned and people promptly took to Tr. Calumba and Spirit Aetheris. The following figures tell their own vivid tale :—

Sales	1945	1946	1947	1948	1949
<i>Amravati—</i>					
Tr. Calumba	.. 10	10	38	103	860
Spirit Aetheris	110	169	742
<i>Nimar—</i>					
Tr. Calumba	28	22	25
Spirit Aetheris	108	110	107
<i>Akola—</i>					
Tr. Calumba	35	82	103
Spirit Aetheris	18	36	81

It was reported that a preparation euphemistically called "Manju" was very much in demand. Investigation revealed that its chief ingredient was chloral-hydrate. If an embargo is placed on one drug, it is promptly replaced by another. Prohibition has provided the pharmaceutical trade with a rich source of making easy money. The drinkers on the other hand would take to anything which has a "kick" in it, regardless of consequences.

The Excise Commissioner was informed in 1948 by a bonded pharmacy in Uttar Pradesh that 6,000 gallons of tinctures were sold to chemists in Nagpur alone, in one month. Since the imposition of restrictions, the trade has adopted more elusive methods and it is difficult to enforce these restrictions more effectively. There is, however, little doubt that there is an alarming diversion of medical alcohol for beverage purposes.

SECTION C.—CONCLUSION

Now the crucial point for consideration is the form in which the answer which emerges from the forgoing discussion of facts, should be given to the question involved in Term No. 1.

There is no doubt whatever that the drink evil (country spirit only is contemplated) has not been eliminated from the dry areas in view of the illicit distillation cases detected in those very areas. The difficulty arises in regard to the measure of reduction.

At this stage we may advert to a view which claims reduction of 60 per cent to 80 per cent, in the consumption of country liquor in the dry areas, for the undermentioned reasons :—

- (i) That normally 50 per cent of the people (in this case drinkers) are deterred from breaking the law by the mere fact of its existence and a few are prevented by the enforcement measures.
- (ii) That the exorbitant (viz., four or five times the normal) price of the licit (smuggled) or illicit liquor available in dry areas would operate to reduce proportionately the consumption of liquor.

We regret our inability to endorse this conclusion. The benevolent presumption about the extent of voluntary obedience to the law may be more appropriately applicable to acts which are "Mala in Se" than to those "Mala Prohibita", although this distinction has now lost its juristic significance. The economic argument is rebutted by the evidence produced before us to the effect that the drinkers do, in fact, indulge in drink despite its apparently prohibitive price, as the late Mr. G. K. Gokhale pointed out in 1902 in the Imperial Legislative Council, in these words: "when a man takes to drink, he will sacrifice wife and children, if necessary but will insist on satisfying his craving for spirituous poison". The conclusion is further discounted by the fact that the public sentiment is not favourable to Prohibition as has been proved by the deplorable reverse it has suffered even in a place like Damoh. In any case it is clear that in the absence of definite statistical data, it is impossible even to attempt to give an answer in arithmetical terms. If the large measure of reduction as claimed were due to economic causes only, then there was no decrease in the drink evil because the addicts would drink when they would have money in their pockets or if some generous man makes a free offer. If, on the other hand, the reduction is attributable to the disappearance of desire for drink, then Prohibition Act must be deemed to have achieved signal success in spite of free and unfettered indulgence in drink during Section 93 regime which ended in 1946. The Prohibition Act would indeed work a miracle if it is extended by notification to the whole State, notwithstanding that the wet areas have been quaffing more intensively or extensively than they even did before Prohibition. But, curiously enough, the sponsors of the aforesaid conclusion do not favour the extension of Prohibition but propose its abrogation or modification.

We have to pronounce our conclusion on consideration of the undermentioned facts, which in our opinion, are relevant :—

- (1) The quantity of licit liquor sold in the wet areas only during the last four years exceeded the quantity sold in the whole State in the pre-prohibition year (1937).
- (2) That illicit liquor is produced on a considerable scale in every part of the wet and dry areas.

- (3) That there is smuggling on a large scale from the wet to the dry areas, in a variety of ingenious ways.
- (4) That the lower ranks of the enforcing staff are venial and collude with the breakers of law.
- (5) That the public in general do not lend any active support to enforcement of the law.
- (6) That there has been inordinate increase in the use of medicinal drugs and other deleterious substitutes.

We repeat that an attempt to assess the extent of reduction of the drink evil in arithmetical terms would be like making bricks without straw. Nevertheless the undermentioned line of enquiry may be helpful in determining the tendency. Here may be found the straw which is likely to indicate which way the wind blows.

In the year 1920 next preceding the adoption of the policy of gradual prohibition (maximum revenue, minimum consumption) the situation was as follows :—

Licit liquor—1,011,849 proof gallons.

Illicit distillation cases—423.

That was in accordance with British Policy which was to make the tax on liquor as high as it is possible to raise without stimulating illicit distillation to a degree which would increase instead of diminishing the total consumption and without driving people to substitute deleterious drugs. It may be noted that between the years 1906 and 1920 the figures of the sale of licit liquor ranged between 10 and 12 lakhs of gallons, barring 1919.

The Nayudu Committee pointed out that illicit distillation was then mostly confined to remote forest tracts and intended for home consumption. It may, therefore, be assumed that the quantity of licit liquor sold in 1920 represented the total demand in the liquor market (using that word for clarity of understanding). There was no rival in the market to compete with the licensed shops and encroach upon the good will of the shops. It has already been shown that this malpractice has been steadily spreading into the rural and urban areas (noticed by Nayudu Committee also) and has now secured a firm footing in all these centres. This development and expansion have been transparently on commercial lines designed to absorb all that demand which was turned away from the licensed shops as the result of the Excise Policy which was brought into force in 1921 and Prohibition Policy in 1938. This process which started in 1921 must be seeking to bring up the supply to the level of the demand released by Government during the period ending in 1937, and it came to be encouraged by the closure of shops in the dry areas after 1938. Thus the process of rival manufacture and sale of illicit liquor became accelerated with each advance of Prohibition. By the operation of the inexorable economic law, the total production of illicit liquor would naturally be equal to the demand over and above that represented by the figure of sale of licit liquor in any year. To take an example, the situation in 1949 was as follows :—

Licit liquor

559,653 (for only 52 per cent of the population in the wet area of Madhya Pradesh, excluding merged States).

Illicit distillation cases

6,628 (excluding merged States).

On the assumption that there has been no increase in the total demand since 1920, and that it remained stationary at 1,011,849 gallons, the total quantity of illicit distillation would be 1,011,849 minus 559,653=452,196 proof gallons, if not more as calculated by the Inspector-General of Police.

We are content to draw the modest inference on consideration of all the relevant facts that the Prohibition Act has had but little effect in checking the drink evil. Although some witnesses are positively of the opinion that there has been increase in consequence of the facility with which a bottle can now be ushered into the very home of the drinker, we think, that we would be on a firmer ground if we pronounce that there has been no appreciable reduction in the drink evil in the dry areas, taking into consideration the fact that some casual drinkers might have given up drink.

Toddy.—Liquor as defined in the Prohibition Act includes toddy. It had been prohibited in certain areas with effect from the 1st of January 1938, in Wardha and Akola districts from 1st October 1938 and in certain other areas in 1940 and 1946, along with the prohibition of country liquor.

In 1939, during the session of the Indian National Congress at Tripuri, a special licence for the manufacture of jaggery and for sale as a beverage was granted to the All-India Village Industries Association. It appears that as remarked by the Deputy Commissioner, Yeotmal, in 1939 there was an increase in small villages. But in the interest of Prohibition the issue of licences in the dry areas for the sale of sweet toddy as a beverage came to be stopped from 1st October 1939.

The consumption (in gallons) and revenue was as follows :—

Year	Consumption	Revenue Rs.
1937	689,754	2,30,212
1938	652,601	2,11,787
1939	490,165	1,44,885
1940	533,977	2,03,485
1945	799,550	7,19,697
1946	844,468	4,96,658
1947	365,365	2,20,212
1948	364,202	3,36,830

There was a big drop of nearly 57 per cent in the year 1947. That was attributed to the extension of Prohibition and the closure of shops in the ten-mile shopless zone around the dry area. The fall was the heaviest in Chhindwara due to enhanced selling rates. On the other hand the increase was the heaviest in Bhandara, next in order being Yeotmal, Chanda and Betul.

On paper there appears to be a fall in the consumption of toddy, but the revenue is increasing. In 1937 there were 315 shops which were reduced to 259 in 1938 and they dropped to 40 in 1947. But the receipt from toddy increased by 53 per cent in 1948 due to the enhancement of the tree-tax by 12 per cent and licence fees by 59 per cent.

No information is available from the Excise Reports about malpractices such as illicit tapping or smuggling. Nor did we derive any information about this subject from the witnesses. In the absence of material before us we are unable to assess the result of Prohibition.

It appears that Government have been encouraging the use of Nira. In the absence of any control upon the drinking of Nira to see that it is taken before fermentation, one cannot be sure that it is not used as an intoxicant. We understand that even as an intoxicant, it is not harmful as it contains but a small percentage of alcohol. It has been from time immemorial a poor man's drink in the villages. Considering purely from the point of view of public health as we have to do, there appears to be no objection to its use. Medical opinion is also emphatic on the nutritional value of toddy, both sweet and fermented.

CHAPTER VII.—DISREGARD FOR LAW, AND CORRUPTION

Terms 3 and 4 runs as follows :—

Term 3 : Examine whether and, if so, how far it (Prohibition) has contributed to the disregard of law in general; and

Term 4 : Examine whether and, if so, how far it has led to corruption.

These two terms are allied to each other and therefore considered together.

Experienced administrators and senior Police Officers have told us that there has been a marked increase of disregard for law in towns since the introduction of Prohibition. This may at the outset strike one as strange but its explanation is to be found in what follows :—

	1938	1947	1948*	1949*
1. Offences relating to the contempt of the lawful authority of Public Servants.	325	1,516	1,323	629
2. Excise Act	3,115	3,920	4,753	5,898
3. Prohibition Act .. .. .	.. .. .	4,881	5,965	6,801
4. Police Act	4,015	7,084	12,022	12,024
5. Total number of offences under local and special laws.	28,548	53,898	65,678	74,647

*The reports of the years 1948 and 1949 note that the fall in these offences was brought about by a general check on Goonda elements. [See reports of the Judicial Administration (Criminal).]

These figures reflect the general atmosphere of indiscipline, unruly behaviour, aggressive attitude, and disregard for law and its guardians. The achievement of independence by paralysing the bureaucratic administration appears to have created the impression on the mass-mind that defiance of law and order and of constituted authority were the true characteristic of Freedom. No wonder that liberty has degenerated into licence. This afforded a very favourable ground for the free play of the nefarious activities of the anti-social elements like the illicit distillers and smugglers who spread the contagion of lawlessness to other sections of society. It may no doubt be said that prohibition law is not alone in contributing to the disregard of law in general. But it must be noticed that those who are connected with the illicit liquor traffic are notorious for using such highly reprehensible methods as suborning and terrorising witnesses with the result that judicial proceedings have lost their dignity and convictions are said to have hardly any effect. The demoralisation is so complete that it pervades the entire trial, affecting

as it does the drinker, the medical practitioner who is called upon to certify drinking or drunkenness, the witness who is cited to give evidence and the very magistrate who sits in judgment. One can well imagine the embarrassment of the magistrate (who perhaps drinks himself under a permit) when he is called upon by his duty to try a man on the charge of drinking with the knowledge that it is an offence only on one side of the artificial barrier. The man that is convicted may well wonder, like the magistrate, whether he was guilty of any moral turpitude in having a sip of drink. All this contributes to engender disrespect for law and to lower the prestige of the agency enforcing it.

Corruption.—As to corruption, it is sufficient to refer to the numerous press reports, speeches in the Central and the State legislatures, the reported decisions of courts in all parts of the country, which reveal the wide prevalence of malpractices, which have undermined the administrative machinery. These malpractices are a direct result of the control measures, adopted during the war as a result of the scarcity of necessary articles of life. Both the scarcity and the control measures still continue and the seeds sown during the war, continue to bear their bitter fruit. Prohibition is also a form of control and has added its due share to the corrupt practices, and has provided an additional source of irritation to the people.

There is no material before us about corruption in the upper ranks of the enforcing staff but there is a large volume of complaint about its prevalence in the lower ranks. The large profits made in illicit distillation, smuggling and diversion of medical and industrial alcohol, are shared by the offenders and the enforcement staff. It cannot be said that Prohibition has by itself given rise to corruption; the tendencies to be corrupt and to be corrupted are already there, and Prohibition has provided but new opportunities. The extent of corruption, insubordination, inefficiency and disloyalty prevailing in the lower ranks of the police will be evident from the undermentioned table :—

Year	Dismissals	Desertions
(1)	(2)	(3)
1935 ..	82	9
1936 ..	102	11
1937 ..	101	17
1938 ..	90	20
1946 ..	233	106
1947 ..	212	294
1948 ..	210	422
1949 ..	363	477
1950 ..	367	325

Apart from corruption in the administrative machinery, prohibition has brought about a general demoralisation in the community. It is a vicious circle which keeps expanding. The man who needs a drink creates a market for illicit alcohol while the production of illicit alcohol extends that market. It degrades the man who drinks illicit liquor, the man who produces it, and the neighbours who know that illicit liquor is being produced and drunk. The growth of illicit distillation cramps and deadens the moral sense of the section of the society concerned. The violation of one law with impunity on a large scale leads to a general disregard for law. The Prohibition law is by its very nature difficult to endorse and it is for this very reason that the breaches of this law are universal.

The advocates of Prohibition suggest that the Prohibition Act should be treated as being on a plane different from the other laws generally on the assumption that it is of paramount importance. They go to the extent of recommending such extraordinary and preposterous remedies as summary trials, collective fines, punitive police, investment of powers of enforcement on all and sundry. Some prohibitionists urge and are still urging disregard or abrogation of the guarantees of liberty and of the sanctity of the home. It is extremely doubtful that even such measures would bring about satisfactory enforcement. Such measures might well lead to more obstinate resistance and more flagrant violations. In any case, the difficulty of enforcement is the worst feature of this law and has, therefore, naturally resulted in a general disregard for law.

Excise offences, formerly punishable under the Excise Act, are now tried under the Prohibition Act in the dry areas, and they have consequently lost their former seriousness both in the eyes of the public and the prosecuting agency. It has become evident that violation is much easier and enforcement much more difficult than had been anticipated when the law was promulgated. The means of enforcement provided have proved increasingly inadequate and the violations of the law have become so widespread that even if the State had the means of strengthening the enforcement staff, the chances of successful enforcement will indeed be very slender.

CHAPTER VIII.—EFFECT ON SPECIAL AND PHYSICAL CONDITION OF THE DRINKING CLASSES

Term 5: General improvement

The fifth term of reference runs as follows :—

To enquire whether it (Prohibition) has resulted in any improvement of the economic, social and physical conditions of the drinking classes and whether the general standard of living has been in any way affected, if so, how far.

Regard being had to the conclusions bearing on the first two terms of reference, there is in reality no basis for any enquiry under this term. The cause itself being inoperative, it is idle to look for effects.

Since however there is a presumption of truth attaching to official reports, we may turn to the examination of the very exhilarating description of the effects of Prohibition occurring in the Excise Administration Report of the year 1946—

"The District reports generally indicate that prohibition has undoubtedly improved the moral, physical, social and economic conditions of the ex-addicts although increased cost of living has more than counter-balanced the savings from prohibition. People have been benefited economically, as the money formerly spent on drink is being utilised over the necessities of life. Prohibition has been particularly beneficial to the working classes. Women folk in particular bless Prohibition as it has made their men folk steadier, more sober, and rendered their home life cheerful." (Page 14, Excise Report, 1946.)

This statement was repeated year after year almost in the same words. If these statements are taken at their face value, there would hardly be any need for an enquiry. It is, however, clear that they stand discredited by considerations of probability.

The Prohibition Act took effect in 1938 in comparatively limited and scattered areas. It came to be extended to the Districts of Wardha and Akola with effect from 1st January 1939, to the District of Raipur in 1940 and to the District of Nagpur and other areas in October 1946. All these were dry islands in liquor-ful lakes.

The World War II broke out in September 1939 and the Congress Party renounced office on 11th November 1939 on which day Section 93 of the Government of India Act, 1935, came into force. Since then the Prohibition Act remained in a state of suspended animation until 1946 when the Congress Party resumed office as is clear from the Government Resolution bearing on the Excise Administration Report for the calendar year 1946. It recites "The policy of Prohibition suffered a set back in Section 93 regime". (Paragraph 1).

It is also interesting to refer to the Government Resolution, dated the 12th December 1941, on the Excise Administration Report for 1940, which stated that the District Reports had drawn attention to the *marked apathy of rural society towards Prohibition*.

To describe the situation in the words of Shri Gole (the sponsor of the Prohibition Bill in 1938) "the War intervened and that created another licence for drinking so that by the time the Congress Ministry came into power in 1946, the Prohibition Act was hardly enforced". (See Shri Gole's evidence before this Committee).

In view of this situation during the War it is inconceivable how immediately with the accession of the Congress Party to power in 1946, there could be such a marvellous metamorphosis as was depicted in flamboyant words in the District Reports of that very year. On a deeper examination it would be found that the District Reports only reproduce the sentiments expressed by the Hon'ble Mr. Gole while moving the Prohibition Bill in 1938. They merely echo the master's voice, or they may be in the nature of wishful thinking.

We have already found that Prohibition was never effective in the so-called dry areas. It is therefore idle to expect that any data would be available on which to base our conclusions. In 1943, the Public Health Committee, popularly known as the Bhore Committee, recommended annual surveys to be made before and after the introduction of Prohibition. But no such survey was made officially. The Excise Report of 1939 mentions an Economic Survey of the effects of Prohibition in the Akot taluq of Akola district which had been declared dry in 1938, made by two students of the Morris College, Nagpur, under the guidance of the then Principal, Shri A. C. Sengupta, I.E.S., but a copy of the Report was not made available to the Committee. The Committee received a copy of the Report of another survey made by the students of the G. S. College of Commerce, Wardha, in 1950. That report as well as the report of the survey of village Madhan, in Amravati district, which was carried out by the students of Vidarbha Mahavidyalaya under the guidance of Dr. Datey, M.A., Ph.D., in 1946-47, show the extreme reluctance on the part of the people to disclose the facts. It is but natural that they should be averse to make any self-inculpatory statement since the Prohibition Act penalises possession and consumption of liquor. No person appeared before us to say that he had indulged in drinking but that as a result of his abstinence, there was a marked improvement

in his health. On the other hand, groups of ~~Dhobies~~, sweepers, and others who appeared before us freely confessed that they quenched their thirst for drink by taking recourse to illicit liquor, in spite of the knowledge that it was harmful to their health. When we visited the mining area, we were told that those labourers who have to do arduous work in mines or under strenuous condition, needed some alcohol for relaxation and invigoration for the next day's work. The conditions under which they have to work make an occasional drink almost a necessity.

There is ample evidence to show that despite Prohibition certain classes of people continue to get their drink. As this would be either illicit liquor or other deleterious substance, it may well be that Prohibition has resulted in the deterioration of their health.

The Committee visited areas like the Bastar district, inhabited almost entirely by the aboriginals amongst whom drinking is common and it also visited Sagar and Damoh where the incidence of drinking is supposed to be small. We were unable to discern any evil effects of drinking on the health of the aboriginals in Bastar nor were we able to ascertain in comparatively abstemious district like Sagar any marked superiority in the general physical standards. It is a matter of common knowledge that excessive indulgence in alcohol brings about deterioration in one's health and occasional and moderate drinking has hardly any effect on the drinker one way or the other.

In view of the absence of any relevant material before us and the impracticability of making an intensive and detailed investigation within the facilities available, it is impossible for us to express any definite opinion.

We endorse the recommendation made by the Bhore Committee that there should be annual health surveys. So also socio-economic survey may be in general useful, but with special reference to the contribution made by Prohibition it may turn out to be futile unless there is positive evidence to prove that Prohibition has been operating in the manner it is desired. Social problems are in their nature complex and any phenomenon that is observed may be due to a variety of causes, including or excluding Prohibition. In view of the experience of those who have attempted it in our State, the collected data may not be reliable unless the task is undertaken by unbiassed experts in the line.

CHAPTER IX.—EFFECT ON THE EFFICIENCY AND WELL-BEING OF THE WORKERS IN THE INDUSTRIAL AREAS

Term 6 : Effect of Prohibition on the efficiency and well-being of workers in Industrial areas.

The sixth term of reference runs as follows :—

To ascertain what effect, if any, it (Prohibition) has had on the efficiency and well-being of labour in Industrial areas.

In 1941-42, an inquiry was made in the family budgets of industrial workers at Nagpur, which revealed that 29 per cent of the families of industrial workers were addicted to drinking, but most of them were reported to be doing so on holidays or on pay days only. Some drink for the sake of enjoyment and some for the sake of shaking off lethargy following their

week's strenuous labour. Oral evidence taken by the investigators from the workers and licensees of liquor shops confirmed the truth of the practice of weekly or occasional indulgence.

The average monthly expenditure on liquor was calculated at Rs. 0.77, so that the average monthly expenditure per consuming family amounted to about Rs. 2.67. The author of the report was of the opinion that the percentage of consuming families and the average expenditure both absolute and relative, increased with the advancing expenditure levels and proved thereby that drinking was definitely a luxury. The average expenditure was the greatest in the Railway workshops and the least in the Glass Works and Potteries due probably to differences in income. The communal habits, however, seemed more important in this respect as drinking is most rampant amongst Mahars and least amongst Muslims. The percentage of drinking families, Mahars, Hindus and Muslims was estimated respectively, 39, 21 and 14 and the corresponding overall average expenditure was Rs. 0.84 or 2.57 per cent, Rs. 0.75 or 2.09 per cent and Rs. 0.44 or 0.97 per cent.

No survey has been made since, and it is, therefore, difficult to assess with any degree of accuracy, the results of Prohibition on the family budgets of the industrial workers. No investigation was made before or after Prohibition regarding the percentage of expenditure on intoxicants in any other section of the society, except the agricultural labourers, which will be described in the succeeding paragraphs. We are, however, led to think by the mass of evidence before us, that the incidence of drinking in a particular section of the society depends upon its traditions and customs. There are certain castes and communities in which drinking is neither prohibited by custom nor by tradition, and these communities or castes are as a rule addicted to drinking. They were drinking before Prohibition and have been drinking since. It is, of course, reasonable to conclude that Prohibition may have brought about a reduction in their drinking, but in the absence of any reliable data, it is difficult to say what constitutes their present drinking bill and what percentage it forms of their total family budget. It may be observed that the economic condition of certain classes of workers, particularly in the Textile industry has improved during the last few years. The improvement is, however, attributable to the increased wages and dearness allowance given by the Mangalmurti award. But that improvement has been nullified by the rise in the cost of living. The present index of the cost of living hardly leaves any room for savings and it is, therefore, not possible to assert that Prohibition has brought about any improvement. In fact, figures of certain Industrial Workers indicate increased indebtedness. The following figures show per capita borrowing of the Empress Mill workers, despite increased wages :—

Year				Earning per capita per day		Borrowing per capita	
				Rs. a. p.			
1946	..	..	..	1	10	0	93.63
1947	..	..	..	1	14	0	147.36
1948	..	..	..	2	4	0	165.84
1949	..	..	..	2	4	0	168.21
1950	..	..	..	3	0	0	158.41

The Tapti Mills, Burhanpur, makes a small cash advance to the workers. The figures of advances given during the last six years are given below, which instead of showing any improvement in the economic condition of the Textile Workers in Burhanpur, indicate a marked deterioration :—

Serial No.	Year			Amount	Average amount per labourer per year			
					Rs.	a. p.	Rs.	a. p.
1	1945	..	..	75,538	6	0	25	2 0
2	1946	..	..	1,33,622	0	0	44	8 0
3	1947	..	..	1,06,571	2	0	35	2 0
4	1948	..	..	1,50,620	4	0	50	2 0
5	1949	..	..	1,90,482	6	0	63	12 0
6	1950	..	..	2,67,361	9	0	89	2 0

It appears from these figures that the average worker continues spending his earnings a month in advance.

The figures of the indebtedness of the two mills at Hinganghat, Wardha district, where Prohibition was introduced over a decade ago, are given below :—

Rai Bahadur Bansilal Abirchand Spinning and Weaving Mills

Period			Loan advanced
			Rs.
November 1945 to October 1946	..	..	10,956
November 1946 to October 1947	..	..	15,856
November 1947 to October 1948	..	..	14,683
November 1948 to October 1949	..	..	14,062
November 1949 to October 1950	..	..	25,659
December 1950	..	..	32,428

Rai Saheb Rekhchand Mohota Spinning and Weaving Mills, Ltd.

Period			Amount advanced by the Co-operative Credit Society	Amount advanced by the Mills
			Rs.	Rs.
1945	..	..	25,905	..
1946	..	..	58,915	33,700
1947	..	..	45,290	50,347
1948]	..	..	80,773	1,070
1949	..	..	1,05,342	2,385
1950	..	..	75,594	..

Thus there has been no ostensible improvement in the standard of living of the industrial or other workers.

Workers belonging to those castes and communities who were not addicted to drinking may indeed have given up drinking or reduced their quota. It was stated by many witnesses who appeared before us that if some have given up drinking they waste their savings in such undesirable forms of expenditure as gambling. Their statement is apparently borne out by the official records. The following figures extracted from the Judicial Administration (Criminal) Reports, show the figures of cases of gambling detected from the year 1945 to 1950 :—

Statement showing the figures of gambling in the Dry districts.

District	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Nagpur	209	500	645	1,172	1,760	1,729
Wardha	80	78	103	73	118	151
Sagar	179	..	179	..	339	287
Hoshangabad	27	62	75	..	131	190
Raipur	91	137	274	402	455	376
Amravati	54	73	82	169	268	392
Akola	133	98	118	144	125	109

Statement showing the figures of gambling in the Wet districts.

District	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Chanda	43	66	75	..	103	99
Chhindwara	17	..	85	64	37	157
Betul	6	5	..	..	..	21
Jabalpur	448	574	644	620	718	649
Mandla	7	13	18	9	..	17
Nimar .. ..	..	..	..	..	88	..
Durg	13	13	14	32	50	61
Bhandara	32	41	63	82	60	81
Balaghat	10	5	5	14	29	11
Yeotmal	10	35	23	21	40	36

It is of course difficult to link the increase in the number of cases of gambling with Prohibition, but it can be safely inferred that Prohibition has not brought about any betterment in the economic condition of the people, and it would be safe to draw the conclusion that Prohibition by itself cannot inculcate thrift. Habits of sobriety and temperance can be brought about by education, by better forms of entertainment and diversion, by improved housing conditions and by better conditions of work.

At this stage we may be pardoned if we cannot resist the temptation of digressing into the field of agricultural labour.

An officer, connected with the recent agricultural labour inquiry in this State, revealed the wide prevalence of illicit distillation amongst agricultural labourers. This inquiry brought to light the amazing fact that 60 per cent

of the family budgets of the agricultural labourers showed that their expenditure was more than their income, although there was no evidence of indebtedness to explain the excess. Inquiries made to discover as to how this gap was met, revealed that this deficiency in the income was met by two sources, viz., illicit distillation and plunder of crops during the harvest season. It is obvious that plundering of crops can be resorted to only at the time of the harvest and the proceeds from it must be limited. The main source, therefore, of meeting the deficit income was illicit distillation. These facts indicate that Prohibition so far from improving the moral tone of the rural population has had the undesirable effect of opening an additional source of illegitimate income. It is in this context that apparently many witnesses described illicit distillation as a cottage industry.

Opinion of Labour Leaders.—Representatives of the Indian National Trade Union Congress told us emphatically that there was no improvement in the economic condition of the labouring classes on account of Prohibition. Similar is the verdict of the President of the Textile Workers' Union. Real wages have not gone up and the lower one goes into the scale of wages, the larger is the percentage of expenditure on food. Unfortunately the prices of food show no signs of declining. If, therefore, final accounts are drawn, the net amount in the hands of the man in the street is not larger than before, despite increased wages.

Efficiency.—The Labour Commissioner is of the opinion that the incidence of absenteeism in pre-Prohibition days in Nagpur was higher than since. He has given us the following figures :—

Year	Percentage of absenteeism	
	Day shift	Night shift
(1)	(2)	(3)
	Per cent	Per cent
1945	20.75	34.15
1950	17.64	22.03

According to the Manager of the Bengal-Nagpur Cotton Mills, Rajnandgaon, drinking is one of the causes of absenteeism being high. The present incidence of absenteeism in Rajnandgaon is 16 per cent in the day shift, and 26 per cent in the night shift. If the figures of absenteeism in the Textile Mills of Rajnandgaon and the Textile Mills of Nagpur are compared, there is no such disparity as to support the Labour Commissioner's inference. Actually, absenteeism in the day shift in the Rajnandgaon Mills, where there is no Prohibition, is lower although it is true that absenteeism in the night-shift is higher. In any case, we are prepared to accept the Labour Commissioner's opinion in this respect.

As regards efficiency, the Labour Commissioner says that the statistics show a slight increase at first which may be attributable either to the Prohibition or to certain ameliorative measures taken by the management for the labour co-incidentally with the promulgation of Prohibition. Later on, the efficiency curve showed a decline which has brought it even lower than what it was in pre-Prohibition days. According to him, there are several factors besides drinking which affect efficiency, and the effects of Prohibition on the industrial efficiency are, therefore, not easily discernible.

The Labour Officer of the Model Mills stated that the efficiency of the industrial worker did not depend on drink, but on the type of food he got and the surrounding in which he lived, and it is, therefore, not possible to say whether the efficiency has increased or decreased because of Prohibition, the two factors of food and surroundings not having remained constant. The Manager of another Textile Mill, who had experience of Textile Mills outside the State, where there is no Prohibition, was of the opinion that Prohibition has little to do with efficiency. Comparing the health and efficiency of the workers in Indore, where there is no Prohibition, with the efficiency of textile workers in Akola, he declared that he did not find any difference either in the efficiency or in their health. Everyone connected with industrial labour whom we consulted advised us that the efficiency of labour depended on factors such as reduction in the hours of work, better working conditions, greater security, reasonable wages, social welfare activities and good leadership.

Those connected with labour, who appeared before us were of the opinion that improvement in the efficiency has hardly any correlation with Prohibition. It is of course true that after Prohibition there are no "Blue" Pay Days, nor the usual drinking brawls in industrial areas. This by itself would only justify closure of liquor shops in industrial areas.

Accidents.—There are no statistics of accidents in factories attributable to drunkenness or intoxication. Even before Prohibition, no accidents were reported which could be attributed to alcohol. Nothing is, therefore, clearly established as to general decrease in industrial accidents. Better factory organisation and methods, safety devices and systematic inspections must have led to a general decrease in such accidents and it is, therefore, impossible to compare with any assurance the statistics of the period before Prohibition with the figures of the post-Prohibition period.

Well-being of Labour.—It has been stated in the preceding paragraph that contribution of Prohibition to the economic betterment of the people in general or the Industrial workers in particular, is not discernible. Communities addicted to drinking before Prohibition continue to indulge in illicit drinking in varying degrees according to their circumstances. The occasional drinker, it is presumed, has given up drinking, and may have improved his lot in some measure. The effect of Prohibition, however, on the general well-being of labour is not apparent.

Our inquiries, therefore, lead us to think that Prohibition has not contributed either to the economic improvement of the people nor to their well-being. Prohibition has perhaps succeeded in keeping away the occasional drinker from drinking, but its general effect has been to divert custom from the Government shop to the illicit distiller, particularly in the case of those communities in which drinking is not prohibited either by custom or by tradition. The poor has been made to pay more for worse drink and Government has lost its revenue without any corresponding gain to the income of the poor; nor is there any reason to feel confident that in those cases where Prohibition has actually resulted in abstinence, the income thus saved is largely utilised for purposes which can be regarded of any economic value to the community at large. In the economic sense, therefore, there has hardly been any gain or any results achieved of enduring value.

Social benefits.—Some of the protagonists of Prohibition vehemently asserted that it has resulted in the improvement of domestic relations. The claim is too vague to permit of scrutiny. No man or woman, among those who appeared before us, said anything to substantiate that claim. There are no statistics of divorces in our country; nor are there any other means of ascertaining the condition of domestic life. All that one can gather from the statements of the witnesses is that Prohibition has been instrumental in checking drunken brawls in the public streets and turbulent conduct during strikes. In short it has improved the social behaviour of the masses including industrial workers.

We endorse the view presented before us that people resort to drinking as a way of escape from misery and tribulation. Real improvement can, therefore, be brought about by creating such social conditions as would do away with the necessity for alcoholic relief.

CHAPTER X.—JUVENILE DELINQUENCY

Term 7 : To examine what effect, if any, it (Prohibition) had on juveniles and on juvenile delinquency.

We understand by the word "juvenile" that from the point of view of age-limit, it comprises "child" and "youthful offender" as defined in the Madhya Pradesh Children's Act (X of 1928). A person may be taken as a juvenile if he is under 16 years of age at the time of committing an offence.

No evidence was brought before us from official sources to enable us to estimate the extent of the prevalence of Prohibition crimes among juveniles. The information which was specially collected from the Nagpur District shows that there were only 6 cases of persons under 16 years of age who were found guilty of Prohibition offences, 5 of them were convicted and fined and one was ordered to execute a bond for good behaviour. The statement obtained from the Reformatory School, Jabalpur, shows that there were only 4 cases between the years 1944 and 1950 of convictions: 2 under the Opium Act, 1 under the Dangerous Drugs Act and 1 under Section 34 of the Excise Act. These are serious offences but presumably there may be many cases of minor, and some even of serious nature which do not result in imprisonment, as for instance, the case of a minor boy who was caught at the Bina Railway Station for smuggling 2½ seers of opium and was sentenced to receive 12 stripes. (See Excise Report 1947, P. 13). From the sub-joined table relating to Nagpur District it would appear that all the cases detected are not prosecuted and it is not improbable that among those who are not prosecuted are juveniles :—

Year	Detected	Prosecuted
(1)	(2)	(3)
1946	334	306
1947	1,647	1,566
1948	2,264	2,227
1949	1,694	1,679
1950	1,677	1,539

It is desirable to maintain a separate statistical record of juvenile offenders.

Many witnesses stated before us that children were used as carriers of smuggled and illicit liquor in order to elude detection, particularly in Akola and Raipur Districts. The illicit distillation which the poor householders have taken to is also calculated to impair the morals of their children. Cases were also cited where children were employed to keep a watch and warn the illicit distillers against raiding parties. It is inevitable that children who are employed in such anti-social activities should develop criminal tendencies.

In the absence of tangible material before us we are unable to answer this Term of Reference in any definite terms.

CHAPTER XI.—FINANCIAL IMPLICATIONS OF PROHIBITION AND INFLATION

Term 8 : Financial implications of Prohibition and Inflation.

Term of reference No. 8 runs as follows :—

Examine what effect, if any, it (Prohibition) has had on the general financial position and inflationary pressure.

There is a wide divergence of views on the economics of Prohibition. Some are positively of the opinion that surrender of excise revenue is entirely unwarranted, some would have the Government shun the revenue as tainted money and some hold that the problem of liquor should be treated as one of health and that Government ought to resist the temptation of making it a source of profit and exploit the poor. They refer to things as they ought to be and have no direct bearing upon the term of reference which invites a finding on things as they are. They will be considered in a separate chapter to follow.

There are three aspects of the economics of Prohibition:—

- (1) The economic condition of the drinker,
- (2) Inflation and the effects of Prohibition on the price levels,
- (3) Surrender of Excise revenue and its consequences on the financial position of the State.

Savings of the poor.—Let us recall here the words of the Hon'ble Mr. Gole which he uttered with ardent hope in 1938 when he introduced the Prohibition Bill. They were as follows:—

"Is there in reality a loss of revenue? We raised revenue to spend it on the betterment of the tax-payer himself, and what better object could we find to spend it on than on the improvement of the conditions of life of the poorer sections of the community such as constitute the majority of the drinking classes? If we eradicate this drink habit we increase their purchasing power and spare their hard earned wages for their women-folk, wages that are now largely wasted on a poison that fuddles their brain, impairs their efficiency and not infrequently makes them callous

and quarrelsome brutes. What greater relief can we give them than the relief which Prohibition will bring them from the indirect taxation that the revenue from drink constitute?"

These hopes have been found to be blasted after actual experience. Even in the early days when hopes ran high and rosy accounts of the initial success were flaunted, the Commissioner of the Nagpur Division observed that the chorus of enthusiasm for the benefits of Prohibition was tending to become automatic and should not be uncritically received and warned that the continuously rising tide of illicit distillation despite vigorous official counter-measures was only one of the several indications that the expenditure had not been diverted to beneficial channels and that the considerable part of it was unproductive except a new form of criminals. (Government Resolution prefacing the Excise Report of 1940).

Let us see, what the above-named Ex-Hon'ble Minister for Excise had to say when he appeared before us in this very year: "Illicit Distillation is injurious and impairs public health and it also gives rise to bribery and corruption. All these evils are due to the fact that capitalists want to get profit by spreading the vice of drinking".

Can it be said about him that he is one of those who was always opposed to Prohibition? Did he change his opinion? He said, "I think that apart from quantity, drinking in itself, as I regard it, is a sin". It is clear that he regards drinking as evil in itself.

Those who maintained this view vehemently argued before us that the Government loss is the measure of public gain. On closer examination, this argument would be found to be more specious than sound. To the extent that Prohibition is effective, the erstwhile drinker does increase his purchasing power, which is particularly small in the case of the poorer classes, but the gain to the community as a whole is hardly appreciable. Prohibition in actual practice results in diverting the custom from the quondam Government shop to the illicit distiller. Government's loss, therefore, becomes the illicit distillers' and the boot-leggers' gain, and in fact, the poor man pays more for worse drink. Even in the case of those who give up drinking as a result of Prohibition it is extremely doubtful if their savings are utilised to improve the standard of their living and there is evidence to show, as has been pointed out earlier, that they are diverted to equally undesirable patterns of expenditure, e.g., gambling. We are not concerned with the effects of Prohibition on a few individuals whose amelioration should be the concern of social workers, but with the effects of Prohibition on the community as a whole. We find that the community is just as poor at the end of any period of Prohibition as it was before it, while the Government has surrendered effective means of helping the community. In short, the financial loss to the Government means direct loss to the Community at large (for whose benefit the revenue is intended) but a source of profit to the illegal trafficker who exploits the poor drinker.

Inflation and Effects of Prohibition on Price Level.—In normal times when supply is able to rise to the height of demand, Prohibition may not play any part in the formation of the price level. Prohibition by itself cannot create inflation or deflation. Several countries besides the United States of

America, notably the Commonwealth and Scandinavian countries, had for a time prohibited by law the manufacture and sale of alcoholic beverages, although the conditions and technique were not identical in all these countries. For example, all parishes were dry in Finland by 1900. In Denmark and Sweden, the experiment was tried in selected localities. Iceland and Norway tried State Prohibition as Canada and the United States of America did later. In none of these countries was there any problem of inflation at the time.

In India, we are trying to relate Prohibition to inflation just because inflation is there already. Prohibition can add to the inflationary pressure in the following manner:—

“Assuming that an individual strictly adheres to the law, there will be a saving of what he hitherto spent on liquor. This increase in his purchasing power naturally increases the demand for consumable goods and if the supply of these goods falls below the demand, there is a disequilibrium, which stimulates inflation.”

It is not inconceivable that the savings may have been hoarded or invested but it is not possible to assess with accuracy the amount of currency hoarded away. The official figures of “absorption of currency” published during the last three years do not point to any increased tendency in this direction. As regards investments, which are generally made in gold and silver, the reports of the bullion market of the last few years also do not support the thesis, notwithstanding the general belief that the fortunes made in the black-market have been concealed in bullion.

Prohibition has been avowedly the direct cause of the imposition of the Sales Tax. In actual practice, not only the prices of scheduled articles (under the Sales Tax) rise, but the prices of several non-scheduled articles tend to rise in sympathy. It is only in this indirect way that Prohibition may be said to have contributed to inflation.

The two primary factors responsible for changes in the price level are (i) changes in the volume of total effective monetary media, (ii) changes in the total national production. Increase in the volume of monetary media without any corresponding increase in production leads to inflation of prices and any decrease in the latter without any decrease in the former will also lead to similar results. Taxes affect the price level in so far as they modify one or the other of the above two factors.

In the case of Prohibition, its effect on price level would be felt only if the production and the consumption of an extensively used commodity is effectively stopped. Assuming that Prohibition is effective, the savings so made will naturally be diverted to other consumers' goods, and if their production does not meanwhile increase to meet the increasing demand, the tendency will be for prices to rise. This would have been a fair portrayal of the present conditions in our country, when the scarcity of consumers' goods is acute, but as Prohibition has not been successful and has led to illicit manufacture of liquor, and its consumption on a wide scale and at a price much higher than that of licit liquor, it is unlikely to have exerted any influence on the price level.

Consequences of Prohibition on the financial resources of the State.—The figures of revenue from Excise from the year 1937 to 1950 are given below :—

Year		Excise revenue from country spirit	Excise revenue from opium	Excise revenue from hemp drugs
(1)		(2)	(3)	(4)
[Rupees in lakhs]				
1937	..	38.87	..	..
1938	..	37.87	12.37	9.42
1939	..	32.25	11.20	8.99
1940	..	31.02	10.56	10.41
1941	..	36.17	10.65	11.06
1942	..	45.37	10.89	11.83
1943	..	56.78	11.45	16.62
1944	..	106.69	16.56	24.68
1945	..	156.98	22.48	39.49
1946	..	160.96	24.59	42.64
1947	..	117.30	29.08	51.34
1948	..	148.67	23.65	29.18
1949	..	152.32	26.41	29.66
1950	..	167.80	27.43	29.27

It will be observed that the present revenue from Excise is now over Rs. 150 lakhs and it is estimated that if there was no Prohibition, there would be an additional revenue of Rs. 140 lakhs available to Government. At this stage we may notice an argument that as there was some increase in the Excise revenue culminating to Rs. 208.39 lakhs in 1949 as against Rs. 65.91 lakhs in 1937 (pre-Prohibition year), this increased revenue more than made up for the loss caused by surrender of the revenue in dry areas; and further that as the actuals exceeded the budget estimates in varying degrees between the years 1937-38 and 1949-50, the expanding revenue from the contracting wet areas fully made up for the contracting revenue from the expanding dry areas. That is quite so, on a superficial view. But this is beside the point. The surrender of revenue in pursuance of Prohibition was in the nature of a grant to drinkers for the specific purpose (as originally assumed), of enabling them to improve their standard of living. It could then be considered no more a loss than a grant for education would be. But it turned out to be a loss as it actually flowed into the pockets of racketeers. This was a real loss in terms of hard cash. To say that it could be compensated by mere arithmetical calculation would be but a poor consolation. The expenditure of a Democratic Welfare State has an inevitable tendency to mount up, and it is difficult for any Government to resist the demands from the people for increased welfare services. It is, therefore, obvious that no Government anywhere in the world today can surrender any established source of revenue without seriously curtailing its welfare activities, or it must find additional sources of revenue. When a part of the Excise revenue was surrendered, it was promptly replaced by Sales Tax. But it has served only to fill up the gap and balance the budget. It is, however, not so copious as to stimulate the hope of being able to meet the ever increasing volume of expenditure claimed by the various plans of development.

The advocates of Prohibition suggest that Government should balance its budget by curtailing its expenditure, but they were unable to make any definite and specific suggestions. It is beyond the scope of this inquiry to point out in which directions economies are possible, without impairing the efficiency of the Government. We are, however, prepared to concede that it may be possible to effect economies, but we are also alive to the fact that welfare activities cannot be financed by savings from economies; nor is it possible for the Government to rely on these economies for its future programme of welfare activities. To cite only one example of inevitable and inescapable expenditure: on the expanded Legislative Assembly it will be three times of the present one, which is roughly Rs. 8 lakhs.

Additional Taxation.—We have also been told on good authority that there is no room for additional taxation in any direction and that Government has already tapped every source possible. Some witnesses argued that the source of Excise revenue from wet districts has more than made up the gap caused by the loss of Excise revenue from dry districts. This argument on the very face of it is fallacious. The rise in revenue has been brought about by a steady rise in the issue prices, or in other words, by an increased rate of taxation. If certain areas of the State had not been declared dry, the revenue would have been proportionately larger and there is consequently a serious curtailment of Government's financial resources. It is estimated that the total revenue surrendered since Prohibition was first introduced twelve years ago, is in the neighbourhood of 30 crores. It does not require any effort of imagination to conjecture how the blessings of hundreds of miles of roads, or schools, or houses for the poor or tons of food, this amount of money could have brought. When one assesses the gains of Prohibition, the magnitude of the loss becomes all the more staggering. Rs. 150 lakhs annually will make all the difference to the budget of the State Government, whose total average revenue is only Rs. 12 crores. Government is very nearly surrendering 1/7th of its revenue annually. We should not be understood to be recommending the repeal of Prohibition on financial considerations, as we are only stating the facts. We are conscious that the Excise policy should not be subordinated to considerations of Revenue, but should have as its primary aim the effective control and regulation of liquor and drug traffic. Nevertheless the revenue which accrues from that policy although only incidentally, the State can ill-afford to forego in the present circumstances.

Chapter IV of the Constitution lays down a number of other objectives which have to be achieved in a stipulated period, e.g., free and compulsory primary education, and if we have no means to achieve that objective, it would mean that we put greater store by a directive principle which has a lower order and priority. Anyone who places Prohibition above primary education, however, venerable he may be, shows scant regard for the Constitution which "We Sovereign People of India, gave Ourselves on the 26th of January 1950".

Additional revenue from abolition of Malguzaries.—A witness pointed out to us that the Abolition of Proprietary Rights would substantially add to the revenues of the State. While this additional revenue will be welcome, this argument does not make out a case for pursuing the Prohibition Policy or for continued surrender of Excise revenue, without any corresponding

gain to the community. Such advocacy of Prohibition is tendentious, and displays ignorance of the numerous obligations of a Welfare State. There is much headway to be made in all directions and the Government needs all the money which it can legitimately collect. It is of course axiomatic that the prosperity of a Government depends on the prosperity of the people. Ultimately, therefore, the problem boils down to the question whether Prohibition contributes to the prosperity of the people. Much as we tried to look for resultant prosperity we have failed to see any. On the other hand the effects of Prohibition on the finances of the State are patent to anybody who has eyes to see.

CHAPTER XII.—PUBLIC SUPPORT

Term No. 9 runs as follows :—

To examine how far the policy of Prohibition has received the active support of the people in general.

The initial question is—

In what sense are we to interpret the expression—Public Support?
Public support may be of three categories—

- (a) of the drinkers, the persons affected by the law ;
- (b) of the people who support the policy through the Press, Platform and Party ;
- (c) of non-drinkers who are intended by law to assist in the prevention or punishment of violations of the law.

(a) From the fact that the drink evil has not abated as has been already shown, it is clear that the law did not receive any support from this quarter.

(b) It cannot be denied that there has been for many years influential opinion behind Temperance and Prohibition. The Anglo-Indian Temperance Association in England and the Calcutta Temperance Federation and the All-India Temperance Conference have been agitating for Prohibition as a goal. The Hon'ble Mr. Gokhale shared their views. Thus the subject had been before the public and their opinion became vocal and powerful when Mahatma Gandhi took up the cause as a plank in his platform for the movement of Non-Co-operation. He carried on a whirlwind campaign which in its scale and intensity was unprecedented in the history of the world. As the movement gathered momentum and assumed a political complexion, Rev. Herbert Robertson, the Secretary of the Calcutta Temperance Federation felt embarrassed, and Mahatma Gandhi had to declare—"It is contrary to my creed to embarrass Government or any body. That, however, does not mean that certain acts of mine may not result in embarrassment". When the political movement became powerful and sustained, after the celebrated Session of the Congress at Nagpur in 1920, the Legislative Council of Central Provinces and Berar, adopted a resolution in favour of the gradual prohibition of the consumption of country liquor in 1921. Since then the public opinion of the Platform and the Press began to take a practical form. Local leaders of public opinion in Damoh organised a movement against drink in such a systematic way that in 1929, Damoh was declared dry on the principle

of Local Option. Then followed the Prohibition Act, in 1938. As this represented the fruition of all the previous public agitation, there was no scope for controversy. The organs of public opinion would naturally wait for the result of the experiment; and that accounts for the lull until this Committee was appointed. As already indicated before, the appointment of this Committee was welcomed by certain sections of the Marathi, English and Hindi Press, and there has been discussion about the merits and demerits of Prohibition.

(c) For the present enquiry, what is crucial is the support rendered by the non-drinkers in terms of the Prohibition Act. Let us glance at the background of the Act. When in 1937 the Congress Party assumed power, there was an intensive propaganda carried on in Betul district as mentioned in the Excise Report of 1937, and the Hon'ble Mr. Gole, the then Excise Minister made an extensive tour and was much impressed by the success attained at Damoh. At this stage it is important to bear in mind the nature of the so-called public opinion as expressed in Caste Panchayats, public meetings, and newspaper articles. All that is aired there generally represents the tone of the public feeling, which is to use the words of Lord Peel (1820) a "great compound of folly, weakness, prejudice, wrong feeling, right feeling, obstinacy, and newspaper paragraphs".

This nebulous mass of public opinion becomes determinate and coherent only in the legislative opinion which crystallises into law. The efficacy and strength of that opinion can be tested only by the obedience that is rendered to the law. We are here concerned, not with the theoretical but the practical aspect of the public opinion. Hon'ble Mr. Gole did not act on mere public opinion but on the concrete basis of the actual experiment carried on at Damoh by the people on their own initiative, for as long a period as 8 years before it was declared Dry in 1929 and 8 years subsequent to it. He referred to the achievement at Damoh with great satisfaction, enthusiasm and hope while introducing the Prohibition Bill in 1938, and asked the Legislature to take the critical step of giving practical shape to the policy of Prohibition.

But even then he was cautious, as the form of the Act itself testifies. It was a piece of conditional legislation. Administration of the law was to be carried on with the assistance of the Anti-Drink Committees, and specific duties were laid on them and the Village Officers.

Did the people respond to this call of the Law? The answer in the first instance is to be found in the Triennium Report of the General Administration, 1937—40 in these words:—

"Seven paid propagandists were appointed in the Akola, Wardha and Sagar districts and Narsinghpur sub-division. Propaganda was carried on by posters leaflets, films, songs, magic lantern slides and lanterns. Anti-Drink Committees were formed for each municipal area; and each Revenue Inspector's circle in the dry areas; a few did good work but *the majority were not sufficiently interested* and many indifferent ones had to be reorganised"

The Government Resolution, dated the 12th December 1941, on the Excise Administration Report for 1940, stressed the fact that several of the district reports had drawn attention to "the marked *apathy of the rural society towards Prohibition*".

From the facts that we have been able to elicit from the large number of witnesses, both official and non-official, there is not a vestige of doubt that active support of the people was totally lacking. Neither the tenant nor landholder nor village officers, *i.e.*, village headman, village accountant and village watchman, nor even a member of the Anti-drink Committee ever cared to report any offence against the Act. Even Congressmen who believe in Prohibition as a creed and who regard drinking as immoral admitted with remarkable candour that there was no active support rendered by the public. "So far as the Wardha district is concerned", says the Deputy Commissioner, of Wardha, "the public opinion in general is in favour of the policy of Prohibition. But this opinion is limited to *talk only*". There is indeed an occasional complaint voiced by a few Congressmen that their reports were unceremoniously rejected by the Police. There is, however, no case of any report having been made about this to higher authorities. The fact appears to be that the enthusiasm which had been aroused for a political fight against foreign domination subsided as soon as the Act was passed; indeed, some of the Congressmen admit that once the law was enacted there was nothing left to be done by the public as the observance of the law was taken for granted. That explanation is intelligible and sounds reasonable in itself; but what is transparent is that the Congress organisation since 1938 assumed, so far as its active element was concerned, a purely political complexion and did not pay any attention to social welfare work.

No religious body, or group of social workers ever devoted any attention to it. As suggested by some witnesses, the fact appears to be that the vast majority of people are not habitual drinkers and most of them are teetotallers; and they have been used to the sight of other people drinking as permitted by their custom and consequently they see nothing in their act so grave as to impel them to go out of their way to report against them and incur their ill-will.

A Senior Police Officer testified—"There is no co-operation from the public. The people in general do not seem to realise the value of Prohibition. Influential people in many villages are addicted to drinking and they patronise illicit distillation. It is difficult to get witnesses from the same village in the case of raids and persons have, therefore, to be brought from other neighbouring villages for witnesses who are not generally accepted by magisterial courts because they are outsiders. The people not only help the culprits in winning over witnesses but use several methods to wreak their private vengeance on informers, and influence officers".

The Prohibition Act was passed when the opposition to an alien Government was at its peak and the people readily surrendered their personal rights for the success of the common cause. Those engaged in the battle of freedom with remarkable insight had found in the Excise Policy of the British Government a vulnerable spot and, accordingly they concentrated their attack on it. Such periods in history are always characterised by intense emotionalism. Enlargement of Governmental powers at the expense

of individual right are generally followed by reactions. As soon as independence was achieved, the period of reaction followed. The violence of the reaction which was brought about may be illustrated by what we gathered at Damoh. There were statements made before us that at the last three municipal elections both the contesting parties supplied drinks to the voters. Many people openly asked for the withdrawal of Prohibition. Shri J. L. Verma who had been closely associated with the marvellous work done at Damoh in eradicating the drink evil states in his memorandum as below :—

“I am not prepared to take Prohibition policy as a sentimental cry but believe in it as a positive principle of practical politics.”

“How was it then that Damoh was declared dry in 1929 and continued to be so till some time past?”

“Damoh was not declared dry by a sudden fiat of the then Government. Before the declaration it had already achieved 99 per cent of the success in going dry. In this particular case a decree of total Prohibition had been passed by the forum of the people and had been sent to Government only for execution.”

“The story of how this cleanliness of the people has again got sullied is another and painful anecdote. : . . “So long as local workers were keen and vigilant, Prohibition continued in tact but as they forsook their zeal and earnestness, and depended entirely on law, the cryptic forces raised their heads. Outsiders who were mostly in railway service began surreptitiously to import contraband liquor. Ex-Contractors got it clandestinely from bordering States. Excise staff and the Police turned their eyes away. Political and party causes in the mad rush to capture power not only ignored but indirectly and at times directly combined to destroy the work done in the past. Least said of the current affairs the better for all concerned. It is indeed very humiliating and nauseating to comment on this unsavoury aspect of the holy cause beyond stating that the urban area of Damoh is only dry on paper though sufficiently moist in Fact.”

The position at present is that we have a law on the statute book but it is honoured more in breach than in observance. Public support can only spring from a rational conviction, which is totally absent. Profession and practice are wide apart, and the public attitude is conspicuous by its apathy.

Startled by the appointment of this Committee a few Congress Organisations made a display of some propagandic activity, but it failed to whip up public interest and subsided as quickly as it had flared up. We are told that the Hon'ble Minister of Excise had a few months ago issued an appeal to all Districts, Town, Taluq and Provincial Congress Committees and to other political, religious organisations and Labour Unions exhorting them to back up the efforts of Government to make Prohibition a success and invited their suggestions. The response, we are told, was disappointing. Most of the Congress Committees did not even acknowledge the communication. As to the nature of the public support which Prohibition is receiving, we may refer to what Shri Gole stated before us. After mentioning that illicit liquor was injurious and impaired public health he said, “All these evils are due to the fact that the capitalists want to get profits by spreading this vice of drinking. I do not think that the evil can be eradicated by Government agency alone, unless it received public co-operation. Unfortunately I find

that neither Hindi, English nor Marathi Press is supporting Prohibition, but on the contrary they are trying to make the Prohibition Act appear ridiculous. I find that educated people also have no objection to drink". Coming as this statement does from one who sponsored the Prohibition Bill and who still believes that "drinking in itself is a sin", it cannot be discarded as that of a person prejudiced against Prohibition.

Shri Wamanrao Joshi, the Veteran Congressman of Berar said: "It is not possible to enforce the Act, unless there is a preparation of the public mind to make it successful. It may be suspended for some time, I would suggest a period of ten years".

The overwhelming majority of the witnesses representing various walks of life as well as shades of opinion who appeared before us, favoured a change in the policy. That is obviously due to a combination of diverse factors such as the untoward consequences of the operation of the law, its unsatisfactory enforcement due to the collusion of the lower ranks of the enforcing agency with the law breakers, fear of increased taxation and the general impression that the Government would be inclined to modify its policy to re-establish its administrative control.

It was suggested that there should be a referendum to ascertain the extent of public support. That course is perfectly sound in theory but in practice it may be impossible to get at the reality, as the subject has, we fear, already become deeply tinged with politics and vested interests. The political opportunists and commercial exploiters who profit by illicit traffic will throw in their weight on the side of Prohibition and secure the support on sentimental grounds of the mass of non-drinkers knowing full well that they would not be concerned with whether the law is executed efficiently or not and that they themselves will not lend any active assistance in its execution. Accordingly the real issue should be not whether Prohibition is, in theory, right or wrong but how to secure the co-operation of the public at large including the drinkers to pave the way for attaining the ideal of Prohibition.

CHAPTER XIII.—OPIUM AND HEMP DRUGS

Opium.—The State Government is committed to the policy of total Prohibition of opium except for Scientific and Medicinal purposes. In pursuance of this policy, we understand that the Prohibition of opium has been introduced in more than $\frac{1}{3}$ rd area of the State, and that its further extension has been stayed in accordance with the Anti-inflationary policy of the Government of India.

The State Government is bound by the Resolution adopted at the All India Opium Conference held at Delhi in 1949 to endeavour to bring about total Prohibition of opium. In pursuance of that Resolution the quota of opium that is allotted to the State every year is fixed by the Government of India, and it is understood that after 1959 the State will not get opium except for scientific and medicinal purposes.

We believe that India is a party to the International Convention in respect of opium but no copy of the Convention was available.

The consumption and revenue derived from opium are as follows :—

Year			Consumption	Revenue
			Seers	Rs.
1937	..	..	9,751	13,31,437
1938	..	..	9,184	12,37,399
1939	..	..	8,086	11,19,550
1940	..	..	6,800	10,55,627
1945	..	..	7,372	22,48,082
1946	..	..	7,827	24,59,477
1947	..	..	9,016	29,07,987
1948	..	..	7,352	23,65,110
1949	..	..	7,562	26,40,899
1950	..	..	5,909	27,42,604

The issue price rates are being continuously increased and that accounts for the increased revenue. The rates were as follows since 1939:—

	1939	1940	1946	1947	1948	1949	1950
Rates (per seer)	90	110	140	150	175	200	250

In the areas in which possession and sale of opium are prohibited, it is understood that each addict is allowed a quota of 3 tolas opium per month, which ration is progressively reduced in each quarter, so that the quota for the year 1950 is reduced to half a tola per month per addict. A very pitiable instance was brought to our notice at Raipur. A retired Head Constable by name Sudharam aged 70 years committed suicide by hanging himself because the quantity of opium allowed to him was inadequate with the consequence that he found his life unbearable. (See Appendix C.)

There is no production of opium in the State. The legitimate import is supplemented by smuggling which is extensive as will appear from the following :—

	1937	1938	1939	1940	1945	1946	1947	1948
Cases	88	44	73	81	134	186	147	136

Judging from the above figures it is clear that the vice has not been substantially reduced. The malpractice of smuggling is evidently due to the excessively high rates.

In the district of Sagar including Damoh, the opium eaters who appeared before us were very vehement in their protest against reduction of their quota. In order to avoid mishaps such as the one which came to our notice at Raipur, it may be advisable to "hasten slowly", although we are bound by the International Convention to put a stop to the consumption of this drug.

Hemp Drugs.—Hemp Drugs include Ganja, Bhang and Charas. Charas was totally prohibited in Madhya Pradesh with effect from the 1st January 1939.

The consumption and the revenue derived from the Hemp Drugs are set out in the following table :—

Year	Consumption (in seers)		Revenue Rs.
	Ganja	Bhang	
1945 ..	25,850	2,641	39,48,810
1946 ..	27,925	2,626	42,63,978
1947 ..	28,496	3,068	51,33,783
1948 ..	13,858	2,113	29,17,779
1949 ..	13,134	2,269	29,66,219
1950 ..	10,766	1,261	29,26,509

The issue price rates (per seer) of Ganja and Bhang were as below :—

	1938	1939	1940	1945	1946	1947	1948	1949	1950
Ganja ..	40	45	55	80	80	90	120	140	180
Bhang ..	9	12	15	30	30	30	40	50	70

The offences relating to Hemp Drugs are rather common as is evident from what follows :—

Year	Ganja (illicit cultivation)	Licencees	Others
1945 ..	15	637	283
1946 ..	12	643	289
1947 ..	12	587	285
1948 ..	13	277	614

The offences of illicit cultivation mostly occur in the districts of Chhindwara, Seoni, Betul, Mandla, Sagar, including Damoh, and some have been detected in Raipur, Bilaspur and Nagpur.

The offences of smuggling also are no less common as the following figures show :—

Year	Ganja		Year	Bhang	
	Cases	Tolas		Cases	Tolas
1945 ..	67	1,463	1945 ..	23	1,377
1946 ..	110	5,210	1946 ..	28	2,489
1947 ..	102	15,244	1947 ..	28	1,577
1948 ..	146	5,506	1948 ..	39	1,745

These offences mostly occurred in the districts of Nimar, Hoshangabad, Sagar, and Jabalpur which border on the quondum Central India States.

The medical opinion is agreed on the injurious effects of Ganja, as of opium, on the human system. As regards Bhang, it has no prejudicial effect on health when taken in moderate quantities. In fact it is mostly used in hot season as a cold drink even by the Brahmins.

CHAPTER XIV.—GENERAL CONCLUSION—FAILURE OF PROHIBITION POLICY

At the end of the survey of the situation, the paramount question which arises is: Has the Policy of Prohibition succeeded? We are positively of the opinion that it has not succeeded. There has been no elimination of the drink evil and if there is reduction it is not appreciable. A few casual drinkers appear to have given up drink and the drunken brawls in the streets are now rarer, but we believe that the evil has gone underground.

At this stage let us remind ourselves of the following words:—

"It will be a proud day . . . if Prohibition is ushered in amid the rejoicing of the whole population. Let it be remembered that Prohibition is not a superimposition. It is coming in the fulfilment of the national will".

The response is anything but in the spirit of these words of the Father of the Nation uttered in 1939. The failure itself does not matter but it has called up the spectre of a veritable Frankenstein with a legion of evils more execrable than the original one. The Prohibition has opened a hideous underworld where flourish secret drinking, black marketing, profiteering and boot-legging on an enormous scale. These derivative evils far outweigh the trifling gain indicated above, tending as they do to defile the purity of administration, breed contempt for lawful authority and undermine the prestige and reputation of Government, as well as public health and morals.

The State fondly persuaded itself that the large revenue surrendered for a lofty ideal would go to fill starving bellies and clothe naked bodies and bring a flicker of smile on dark and dismal faces, but in practice Prohibition conjured up a paradise for the pleasure and profit of the nefarious professional gang of illicit distillers and their distributing agents; of their abettors who provide transport facilities for smuggling; of the lower ranks of the Police and Excise staff; of the unscrupulous druggists who broadcast deleterious substitutes; of the vendors of methylated spirit; of the medical men who issue bogus certificates; of the manufacturers of Aristas and Asawas; of the lawyers who conduct Prohibition cases and of the witnesses who come forward to thwart criminal proceedings against miscreants and perhaps of even those who lend their good offices as intermediaries in the composition of offences. While the evil hovers in the dark corridors of secrecy, the honest tax-payer is deprived of his expected services in return for his tax, and unscrupulous gangsters and racketeers dance with unholy merriment to the tune of the money jingling in their pockets. The vision of a Cornucopia yielding an abundance of plenty, and prosperity has in fact turned out to be a Pandora's box from which has escaped all good leaving only the delusive hope of enforcing morality by law in a secular State relying on "religious tradition".

The official and non-official witnesses agree in pronouncing that the Law has failed in operation, although they differ as to the party to blame: Government or the people; and the overwhelming majority is against its extension in the present conditions, although they differ on the point whether it should be wholly abrogated or executed in a modified form.

The question which follows next is : What are the reasons for the **dismal** failure of Prohibition?

The primary reason, *inter alia*, lay in the non-fulfilment of the conditions which were essential as contemplated by the sponsors of the policy of Prohibition. In other words the seeds of failure lay in the policy itself.

Misconception of the social and religious tradition.—Reverting in the first instance to the exposition of the problem as made by the Hon'ble Mr. Gole while introducing the measure, it may be recalled that he relied on "the social, religious traditional disapproval" of drink. Was that assumption valid in respect of the Hindu Society taken as a whole?

Let us examine it by a brief historical retrospect. In Vedic Age, *Soma was the sacrificial beverage, and Sura was extolled as the spirit of a Kshatriya and the essence of food. Drinking of liquor was an integral part of the ceremony of Coronation. In the two Classical Epics, Brihaspati Smṛity and the works of Kalidas there occur references to the practice of drinking which prevailed even among the women of the superior classes. Lord Buddha initiated a counter-movement by imposing the pledge of PANCHASHEELA; but in the times of Chandra Gupta there was no Prohibition as evidenced by the elaborate and radiant description of the Liquor-houses in the Artha Shastra of Kautilya. Manu forbade Sura, i.e., Spirits (Paishthi, Goudi, and Madhwi) to the twice-born describing it as the dirty refuse of grain and equating with sin. But he permitted the use of wines (Madya) which were Panasam, Draksham, Madhukani, Kharjuram, Talam, Aikshvam, Madhuttam, Sairam, Arishtam, Maireyam and Narikelajam. It is well-known that it was Shukracharya who first declared liquor as taboo for a Brahmin. In the MITAKSHARA, the controversy is set at rest on a review of all the authoritative texts. Vijnaneshwar's conclusion was this—

Total Prohibition of Spirits and Wines in the case of Brahmins.

Partial Prohibition of Paishthi only in the case of Kshatriya and Vaishyas.

No Prohibition whatever in the case of Shudras.

(The Mitakshara is still the authority which governs millions in India.)

It is thus clear that the prohibition was operative only in the case of Brahmins. The reason was that they constituted the priestly class "whose body was to be devoted to austerities in this world so that their souls may attain enduring bliss in the next world". It appears however that to circumvent this embargo, the Brahmins invented the Tantric Cult to justify their indulgence in drink, as remarked by Bhattacharya in his work on Hindu Castes and Tribes, Page 413.

The Kshatriya (Bhonsla) Rajas of Nagpur levied in the City of Nagpur a tax called Kalali or Abkari on the manufacture and sale of spirituous liquors as well as on the profits of Tobacco, Ganja and Opium and derived considerable revenue. (See Jenkin's Report, 1827, Pages 124 and 129.)

Thus according to tradition, the ban was only in the case of Brahmins. The fact is that, as stated by Dr. Sharma, Professor of Public Administration, Nagpur University, custom sanctions drinking and even prescribes it on certain occasions among certain classes, chiefly the lower. Nevertheless as the

*For original texts, see Appendix D.

Brahmin Theocracy was dominant, their mode of life became the norm of conduct for other castes, including the dissenting sects, to follow in their daily life. But the Brahmin's life under the British Rule became wholly secularised.

The tradition was, indeed, effective as social control, initiated as it had been by great religious teachers, and jurists, and became incorporated in the caste system. But that institution was gradually decaying under the British Rule and is now consigned to the grave by the Secular Constitution of India. All this shows how unrealistic was this approach to the problem.

It must be said to the credit of the Hon'ble Mr. Gole that he relied more on voluntary public support and less on compulsion. Lawyer as he was, he was fully conscious of the principle that the spirit of law is not compulsion but voluntary obedience. Hence he laid stress on the experiment at Damoh, where the initiative had been taken by the people themselves, who laboured for 8 years indefatigably before they got it declared Dry in 1929, 8 years before the Prohibition Act came to be passed. It was in view of this successful public effort that he was emboldened to advise the Assembly to apply the Act forthwith to Damoh and other areas where liquor consumption was not considerable. As to the rest of the State he made the legislation conditional by investing the Government with discretionary authority to extend it as and when it thought it expedient to do so. It was thus essentially an Enabling Act which was intended to be brought into operation in the areas where the ground had been previously prepared as it had been done in Damoh.

Failure to enlist active public support.—Was any such effort, as was made at Damoh, made in Wardha and other districts before the Act was extended to them? The official records are destitute of any information on the point. In such a State how could any one hope for success? Anti-drink Committees were formed but they never travelled out of the paper on which their constitution was written. None of the village officers ever moved his lips to report any case of the breach of the law. That made detection impossible or at any rate extremely difficult. The natural outcome was that the violations of the Law became frequent and widespread. People at large, so far from frowning upon such contemptuous treatment of the law accepted it as a normal feature of their life. In fact the gravamen of the complaint of the staunch Prohibitionists is that there was no effort made to prepare the public mind in the spirit of the law. It was but natural that the field should be captured by shady characters for opening their surreptitious business of manufacture of liquor, and flourish on the illicit trade.

The failure of the law was due to the cavalier fashion in which it came to be extended in the belief that the Law automatically enforced itself. It was not realised that Law is the reflection of the moral consciousness of the people, and that its efficiency depends not on mere promulgation and even compulsion or coercion, but on their general agreement and readiness for rendering voluntary obedience. It is superfluous to state that most laws grow out of the habits and customs of the people and that such laws are easy to enforce; whereas those which conflict with the habits and customs are almost unenforceable and the mischief which the law is designed to suppress grows in volume and intensity and sinks underground.

The bad start and its results.—Prohibition was adopted as an important item of the programme of a political party which enjoyed the active support of a large number of followers and the moral support of a still larger number in its fight against an alien Government. When their eyes were focussed on the struggle with the British Government, this item of the Congress programme attracted little attention. As a political weapon the picketting of Excise shops proved apparently effective in embarrassing the then Government, but the higher principle underlying it was never adopted by the average man as a code of conduct.

As soon as the fight for freedom was won, the advocates of Prohibition themselves ceased to pay any serious attention to the problem and some even began seriously to doubt the wisdom of the policy. Judging from the actual situation as it stands one can well assert that the public opinion was not solidly behind this policy in the sense in which it is sought to be enforced now, and at no stage gave its active support. Since the achievement of Independence however there has been sharp cleavage of opinion.

The exemptions and their effects.—The Prohibition Act provided certain exemptions by issue of permits for the possession and consumption of foreign liquor. The distinction created by these exemptions between foreign and country liquor by itself gave rise to a feeling that the law was arbitrary. The man in the street felt that while the wealthy could satisfy his appetite, the poor man was deprived of his legitimate needs. Permits also tended to bring liquor into circulation. The social and economic status of the applicant was the ground on which the permits were granted. That was held by the High Court of Judicature at Nagpur, to be arbitrary and unconstitutional. Instances would not be rare of Magistrates habituated to drink themselves being placed in the invidious position of having to try a man for being in possession of liquor. And there is the word of disinterested and respectable gentlemen before us that the instances of drinking without permits even among the upper ten are by no means few and far between.

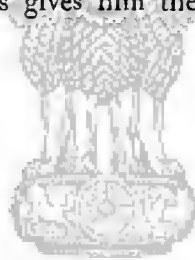
Wet and Dry Areas.—The division of the State into wet and dry areas was another factor which contributed to the failure. Theft is a crime in Wardha and Chanda, Jabalpur and Nagpur, but drinking is a crime in Wardha and Nagpur but not a crime in Chanda and Jabalpur. That made the Law ridiculous. The arbitrary nature of the law was shocking to the public mind. It would not have had that effect if the ground had been prepared for its reception as it had been done in Damoh. It served to defeat the purpose of the Law, although it is doubtful if the result would have been any different, if the whole State had been declared dry. Even that would involve the enormous task of sealing the borders of the State as long as the whole country is not dry.

Crash of moral values.—The interpretation by the mass of people of Freedom in terms of rights rather than duties brought about a lamentable deterioration in the sense of values. The rise of the spirit of self-assertion and self-aggrandisement, with the general scramble for power, wealth, and influence, and the distressing economic conditions due to the rising spiral of prices brought the moral tone of society to such a low pitch that it could not but impair the morals and probity of the administrative services, particularly in their lower ranks.

The enforcement of the Prohibition Act was left, as it is still, to the Police; but burdened as it was with a multitude of other duties, it could devote but scant attention to it. Out of detected cases some could not be prosecuted for lack of evidence, and some came to be filed for various reasons. By way of illustration we may take the case of Nagpur district. The sub-joined table makes the position clear:—

Year 1950							
Detected	Prosecuted	Convicted	Pending	Fined	Imprisoned	Acquitted	Filed
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1,677	1,539	848	665	335	493	26	138

The inordinate delay in the disposal of criminal cases also contributed to the difficulty of dealing with Prohibition offences. The lengthy duration of the cases, dislocation of the work of the Magistracy and the consequent deterioration in the quality of the work find mention in the Annual Reports of the Judicial Administration (Criminal) with the adverse comments of the Honourable the Chief Justice of the High Court of Judicature, Nagpur. (See Reports of 1948 and 1949.) The protraction of trials in Court with the accused continuing on bail for long periods gives him the opportunity to indulge in his malpractices.



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PART III.—RECOMMENDATORY

CHAPTER XV.—COMMENTS AND SUGGESTIONS—CONSIDERED

In view of the depressing result of the Prohibition policy in the way it was sought to be enforced, the next question is : What are we to do ? It appears that we have now reached a point when to pursue Prohibition in the direction we have been doing is to pursue a phantom, a veritable "Will o' the Wisp", which is destined to lead to disaster.

But there are redoubtable protagonists of Prohibition who regard it as a creed and urge that the Government must press its entire coercive machinery into its service.

It may be observed at the outset that creed has no place in democracy. Creed rests on a dogma, and dogma is no dogma if it is open to reason. Democracy is essentially a government of public opinion, free discussion and compromise and not of force. It is, therefore, incompatible with democracy, and is obviously repugnant to the letter and spirit of the Constitution of India—particularly Article 47 thereof which expressly mentions "nutrition" standard of living and "public health" which are all secular objects and thereby defines the limit of the authority of the State. Whatever emotional attraction or mystical significance the doctrine may have, it lies out of the sphere of the State; and if the State were to use its coercive authority in the service of doctrines, it would degenerate into a "Theocratic State".

It is said that the enforcement of the Act has not been so vigorous as it ought to be. It is true that the Government has been administering the Act on the same plane as other laws and no priority was given to it. But it may be noted here that the overwhelming majority of witnesses, official and unofficial, were decidedly against assigning priority to Prohibition over Food, Clothing, Shelter, Medical Relief and Education. It is apparent that the major contributory cause which prevented Government from giving Prohibition top priority was financial stringency. We have already indicated the difficulties in the enforcement of the law while discussing reasons for its failure. If the habits and conduct of the people are to be revolutionized by legislation it is obvious that a very large enforcing staff would be required. The whole State would have to be declared dry. But the present staff would be quite inadequate to cope with the enormous task. We tried to figure out the cost, taking into consideration the existing duties of both the Police and Excise staffs. This was worked out for us by a competent authority who estimated the annual recurring (excluding the capital outlay), cost alone as Rs. 45 lakhs; but even on the assumption that our State is capable of shouldering this burden, judging from the experience of other countries, the success of the experiment would still remain shrouded in doubt.

We have seen that the failure was due mostly to lack of public support and partly to the collusion of the lower ranks of the Police and Excise staff with the illicit distillers and their confederates, viz., the transporting agencies. Would these miscreants amend their ways if the whole State is made dry? In

fact, that will only serve to extend the sphere of their nefarious activities, in view of the bordering wet areas. The main problem is, how to enlist public support and how to elevate the tone of the public administration in its lower ranges. Public support cannot be secured by legislation and the problem of public administration cannot be solved unless and until the economic conditions in the country substantially improve. The real problem is not so much moral as economic.

Can the staff be supplemented by private volunteers from the Janapada or other local bodies? Can the object of the Act be attained by such drastic action as the imposition of the punitive tax? The bulk of the opinion expressed before us is totally against such a course and we unhesitatingly agree with it.

It was suggested that only those who believe in total abstinence should be engaged in the enforcing staff. How are we to ascertain whether a man drinks or not, when an admission is self-incriminatory? Should we pass a Test Act as Charles II did in England and admit no man into Government service unless he makes a solemn declaration of his faith in Prohibition? Would such a law be compatible with our avowedly democratic Constitution? Is there any assurance that a man who does not drink is proof against bribery? None of the major offences under the Penal Code including perjury, forgery, bribery are ever committed under the influence of drink.

Would it serve the purpose of the law if the breach of the duty to report as contemplated in sections 48 and 49 of the Madhya Pradesh Prohibition Act is itself made punishable as an offence? How is that penal provision to be enforced when drinking is not regarded as a crime under the social custom of the people?

It is contended that breaches of the Prohibition Law, even though frequent and extensive, ought to be no reason to propose its repeal any more than, to propose the annulment of the Penal Code and a multitude of other laws, because of their infringement. The critic overlooks the vital difference in the effects of the failure to enforce this law and the lax or ineffective enforcement of other laws, such as the Entertainment, or Sales Tax Laws, or the Municipal Acts or the Child Marriages Restraint Act. The Prohibition Act stands on a different footing. As the Honourable Mr. Gole specifically stressed in his speech introducing the Bill, the primary object of the enactment was to prevent the poor from wasting their slender resources on a poison which fuddles their brain. The Government was prepared to forego its revenue in the belief that it would serve to raise their standard of living. Was that expectation fulfilled? The answer is positively "no". The revenue which Government is surrendering goes to feed the very evil which the law seeks to check. Would it be right for Government as the trustees of the taxpayers to let their money leak into such unworthy channels as illicit distillation? It is with that money, which ought to go into the State Exchequer, that the illicit distiller is able to corrupt the enforcing staff, and undermine the prestige of the Administration as also to bribe the witnesses and deflect the course of public justice.

It is said that the Government ought not to mind if it loses this tainted revenue. If this revenue is tainted because it comes out of the sin of the drinkers, would not the same argument apply to municipal taxes recovered from prostitutes, income-tax and other taxes recovered from blackmarketeers,

and even fines that follow convictions and offences under the Penal Code, particularly "bribery"? That contemptuous expression came into vogue during our political struggles against foreign rule, as a watchword, a rallying cry, or a slogan for popular consumption, and can have no significance in any serious discussion, although one may reasonably criticize the current Excise policy as being animated by profit motive in view of the mounting issue price rates.

On the assumption that the bulk of the Excise revenue comes from the poorest classes, it is urged that it is inequitable in its incidence as compared with the sales tax the burden of which is spread over the wealthier classes. We fail to see how they differ in principle. Sales tax is equally inequitable, if not more, because it is a tax on expenditure and is, therefore, faulty in its distribution of the tax burden. The poorer classes spend a larger part of their income than the richer classes. The sales tax disregards the number of dependants of tax-payers, sources of income and savings. In either case, he who purchases the articles subject to tax, has to bear the levy. If drinking is regarded as an anti-social act, as it is done by some, the Excise tax contributes to control it; if, on the other hand, it is a luxury, there ought to be no objection to it. No one is under any compulsion to drink and the poor men can wholly or partially exempt themselves from paying the tax by foregoing the drink altogether or reducing its quantity. It may be mentioned here that the units known as the high duty and low duty areas were formed in recognition of the disparity in the purchasing power of the people. It is the general experience in both the areas that consumption varies according to the nature of the harvest in any year. Improvement in general economic condition is indicated by rising consumption. It is true that the Government has been steadily raising excise duty in pursuit of revenue though professing to reduce the consumption. But this has no bearing on Prohibition. We ourselves unhesitatingly subscribe to the view that fiscal consideration should not govern the Government's excise policy and think that the excise duty should be judicially levied as an effective means of controlling liquor and drug traffic.

Prohibition Act was avowedly passed in the hope that the poor people would forswear drink. But that hope was blasted. The sales tax was avowedly imposed to make up for the anticipated loss of excise revenue. Those who have to bear the burden of that tax may well denounce it as inequitable for the obvious reason that the vast majority of non-drinking people are mulcted in their pockets in order to drive the drinkers underground and to let their illicit suppliers defy the law and line their pockets in the bargain, as has been the actual consequence of Prohibition. There is apparently considerable force in the demand made on their behalf that if the Prohibition were to be withdrawn, the sales tax must disappear.

There is a suggestion that as the problem concerns public health, the execution of the Prohibition Act should be entrusted to the Department of Public Health. If this implies abdication of control over the liquor traffic, it is calculated to defeat the very object of the proposed change. It is overlooked that the primary object of the Excise Law is to check the evils arising from the immoderate use of intoxicating drinks, in the interests of public order, morality and health. It is for this purpose that the Government holds virtual monopoly of the manufacture and sale of country liquor. If the policy of Prohibition were to succeed as desired by its sponsors, the Government monopoly of traffic in country liquor would automatically come to

an end; but if it did not, as it has not done, its abandonment by Government would mean direct encouragement to the private manufacturer to flood the liquor market with pernicious products to the extreme danger of public health. As there would still be the necessity of administrative control, the only other method of maintaining it would be by levying a tax on the manufacture and sale of country liquor as is done on foreign liquor, imported or made in India. There will then be no difference in substance but only nomenclature: there will be excise or liquor tax instead of excise revenue.

On full consideration of the various criticisms and suggestions, we are unable to discover any effective method whereby total Prohibition can achieve eradication of the drink evil or even help to combat it with the hope of its eventual extinction. That is so because Prohibition has to struggle against human nature itself. It can hope to win, not by sentimentally defying human nature but by rationally understanding its ways.

CHAPTER XVI.—COMMITTEE'S RECOMMENDATIONS AND CONCLUDING REMARKS

Term No 10—Recommendations.—The tenth term of reference is—

“To make recommendations with regard to the policy, the State Government should adopt in future.”

Before we proceed to make our own recommendations, let us cast a retrospective glance at the entire course of the Excise Policy of this State, to elucidate the significance of the policy which we propose should be adopted a future.

Period I—Policy up to 1921.—From 1905 to 1921 the policy in force was “to minimize temptation to those who do not drink and to discourage excess among those who drink, and to the furtherance of this policy, all considerations of revenue must be absolutely subordinated. The most effective method of furthering this policy is to make the tax on liquor as high as it is possible to raise without stimulating illicit consumption to a degree, which would increase instead of diminishing the “total consumption” and without driving people to substitute deleterious drugs for alcohol or more or less harmful form of liquor”.

The policy in its practical form was as follows:—

- (a) Administrative control to check increase of the “total consumption—
 - (i) through the licensed shops by adjusting the issue price rates, and
 - (ii) by suppression of illicit liquor traffic”.
- (b) Revenue was a secondary consideration.

The result was as follows:—

Year	Consumption (Proof gallons)	Rates				Illicit distillation cases
		Rs. a.	p.	Rs. a.	p.	
1910 ..	1,039,688	0 15	0	to 5	0 0	
1920 ..	1,011,849	0 10	0	to 12	13 0	423

Between these years the total consumption maintained the same level, more or less, on the whole and up to the year 1920 the Government commanded practically the entire goodwill of the drinking classes.

Period II—1921 to 38—Policy of Indirect Prohibition.—Its practical form was as follows :—

- (a) Curtailment of consumption by means of raising the issue price rates.
- (b) Assignment of priority to revenue consideration. This was but the natural outcome of (a).

It was compendiously described by the formula “Maximum revenue, minimum consumption” —

Year	Licit liquor (Proof gallons)	Illicit distilla- tion cases	Issue prices			
			Rs. a. p.		Rs. a. p.	
1921* ..	560,126	798	From 0	10 0	to 12	13 0
1931 ..	195,446	2,481	From 1	14 0	to 23	12 0

It strikes the eye at once that with the increase in the issue prices, the consumption of licit liquor in 1931 dropped to nearly one-third of the quantity in 1921, but the number of illicit distillation cases shot up to nearly treble the 1921 figures. It may be noted that the British Government was then very keen on detection of leakages in revenue and the staff was more efficient, less corrupt, and wholly devoted to the duty of detection of illicit distillation.

It was with reference to this state of things that the Nayudu Committee in 1937 remarked that there was loss of administrative control, and strongly recommended that it must be re-established in the State. Then there followed the reduction of the issue price rates and the result was as follows :—

Year	Consumption (Proof gallons)	Illicit distillation cases	Issue price rates			
			Rs. a. p.		Rs. a. p.	
1937 ..	461,804	1,877	From 1	14 0	to 10	0 0

As the issue price rates came to be reduced, the consumption of licit liquor went up again in 1937, but the illicit distillation cases did not substantially decline for the reason that, as observed by the Nayudu Committee, “illicit distillation opened an avenue of lucrative business, draining away a substantial part of public revenue”.

Period III—1938 to 1950—Policy of Direct Prohibition by the total stoppage of supply.—In practice it took a dual form as follows :—

- (i) Division of the State into Dry and Wet areas.
- (ii) Continuance of the Excise Policy evolved in Period II in wet areas, as is evident from the Government resolution prefacing the Excise Administration Report of 1947, as follows :—

“The issue price rates had to be further increased from the 21st April 1947 to bring down the rising consumption (paragraph 4).”

- (iii) Total stoppage of supply in dry areas.

The result was as follows :—

Year	Consumption (Proof gallons)	Illicit distillation cases			Rates			
		Wet	Dry	Total	Rs. a. p.		Rs. a. p.	
1947	565,167	2,598	2,104	4,702	3	12 0	to 28	7 0
1948	554,144	2,830	2,502	5,332	6	4 0	to 28	7 0
1949	559,653	3,013	3,615	6,628	5	7 8½	to 29	6 0
1950	568,176	3,494	1,030	4,524	7	13 0	to 29	6 0

*That year was conspicuous for vigorous picketing of liquor shops.

It should be borne in mind that whereas in 1937 (Pre-Prohibition year) the consumption in the "whole State" was 461,804 and illicit distillation cases were 1,877, the figures of consumption since 1947 (inclusive) relate only to 52 per cent of the State population (excluding merged States) which is wet and the figures of illicit distillation cases have mounted to staggering heights. This clearly proves that the Excise policy no less than Prohibition is heading for collapse. We may observe in passing that if we were convinced that Prohibition had achieved even some appreciable measure of success, we would not have failed to propose extension of such an obvious remedy for all the ills of the Excise system.

The above figures show anything but the desired trend. The position which confronts us today is that if Prohibition marches further into the wet areas in spite of the knowledge that the drinkers are not loyal, it would be only ceding fresh territories to the implacable enemy for carrying on his unconscionable raids not only on the pockets but also the health of his victims. The advance of Prohibition will thus have the inevitable effect of robbing the Government of all their administrative control, which is already grievously slack, and also all their revenue. That is the untoward result to which Prohibition has brought the State.

Is there any way out of this impasse? The way will be found if the pursuit of ideas and ideals is given up and attention turned to the hard facts and realities of life. The ideology of Prohibition was apparently built up on the assumption that the craving for drink was induced and nourished by the facility of supply. The idea was blind to the fact that Prohibition was directed against human nature. Ranged as it was against human nature, it produced no effect on the drinker but on the contrary drove him into the arms of the very miscreants from whom he was to be saved in the interest of public health. However attractive may be the ideal, it cannot be achieved by denouncing drink as evil. Discarding all sentiment which is a misfit in public administration, the Government must now deal with the problem in a realistic way along the path of reason. To command nature, you must first obey her. The Government must maintain absolute control on the country liquor traffic by means of State monopoly as hitherto. On that footing Government should deal with the problem as any other secular one; bearing in mind the paramount consideration of promoting public health which is stressed in Article 47 of the Constitution. That object is to be achieved not on the ascetic principle which is based on horror of physical pleasure but on the utilitarian principle of conceding enjoyment of pleasure such as is conducive, or at any rate not injurious, to health. If in a secular State legislation is to be guided, as it ought to be, by utilitarian ethics, it must follow that the Government must administer the law also in the same spirit. Government must, therefore, give up persecution of the drinker, and try to come to terms with him and as far as possible meet him half-way. Let it be made clear to him that it is in his own interest to abandon the habit altogether but that if it is impossible for him to do so, he should partake of the drink in a measure that will be helpful or at any rate, not harmful to his health. If he knows that the law is ready to understand him on this human level, there will be no incentive for him to take recourse to illicit liquor. We may recall here the observation made in the Police Administration Report of 1940 (page 8) : "Drinkers are not necessarily persons of criminal habits". If so, is there any justice or reason for the State to condemn them as criminals? It is common experience that a drinker does not normally go to illicit if licit liquor is available.

The new policy can be formulated as follows (subject to revision after a period to be specified):—

To minimize temptation to those who do not drink and to discourage excess among those who drink, and to the furtherance of the policy, all considerations of revenue must be absolutely subordinated. The most effective method of furthering the policy is to *restrict the sale of liquor to each individual to such quantity* as would not be harmful, and to make the tax on liquor as high as it is possible to raise without stimulating illicit consumption to a degree which would increase instead of diminishing the total consumption and without driving people to substitute deleterious drugs for alcohol or more or less harmful form of liquor.

Let us proceed to our ideal of total abstinence by reducing individual consumption. Prohibition policy was founded on the questionable hypothesis that by choking off the supply of drink, the evil would die. It did not die and will not die so long as there is the desire for drink. Let that be understood and brought within the purview of Temperance as was recommended by the Bhore Committee in 1943. We have, therefore, to make no apology for recommending it as a half-way house towards our march to total abstinence. We are fortified in proposing this course by the reasons which follow :—

- (i) It does not denounce drinking itself as evil and consequently affords a common ground of understanding.
- (ii) Permitting as it does, a moderate use of liquor avowedly in the interest of health, it involves no such inroad on the personal habit of the drinkers as is calculated to provoke resentment.
- (iii) It keeps the Governmental activity within legitimate limits and makes enforcement practicable and smooth.
- (iv) It will wean away the drinker from illicit liquor, and facilitate suppression of the malpractices.
- (v) It will go a long way in checking corruption in the lower ranks of the enforcing staff, and other evils which are the offsprings of Prohibition.
- (vi) It will salvage and rehabilitate the prestige of the Government and enable it to re-establish its control.
- (vii) It will enlist public support, judging from the overwhelming opinion of those who appeared before us, or sent their statements.
- (viii) The effective regulation of drink will itself be an education of the individual with the gradual appreciation of the benefits of abstinence.
- (ix) It has been the experience of other countries that the real urge for Prohibition stems out of Temperance.

The first and foremost aim now should be to eliminate the evil of illicit distillation, which is enemy No. 1 of public health. It was pointed out as far back as 1937 that the Government had lost its administrative control. Prohibition has brought about a further deterioration. The lost control can be retrieved only by the suspension of the Prohibition policy and adopting a line of action indicated below :—

- (i) To suppress the many widespread malpractices which have resulted from Prohibition by removing the causes which gave rise to them.

- (2) To provide liquor of an acceptable quality and strength, under a guarantee of purity, to those who genuinely need it or who despite their best efforts are unable to give it up.
- (3) To help the people to be temperate by placing such sensible and workable restrictions as are acceptable or at least not too irksome, so as to strike a mean between laxity and severity.
- (4) To create conditions under which observance of these restrictions may become almost voluntary, and under which the need to violate them may not generally arise.
- (5) To avoid temptation for those who have not taken to drinking and who do not genuinely need it.

The only positive gains of Prohibition are the absence of public drinking and the disappearance of the depressing scenes of people thronging in front of liquor shops on pay days in industrial areas, and perhaps discontinuance of drinking by casual drinkers. These benefits must be conserved, and we have kept them in view in making our recommendations. There can be no doubt that the Excise policy in the wet areas needs reorientation, necessitating some action to advance the cause of temperance therein. The present policy of taxation is not calculated to minimize consumption. It is clear from the steady rise in the curve of issue prices that revenue considerations are predominant. We would, therefore, suggest that the issue prices should be so scaled down as to scotch the incentive to illicit distillation. The vicious element of speculation which underlies the excise auctions is the prolific source of a variety of scandalous malpractices.

The system of auctions has been largely responsible for corrupting the Excise Administration in the wet districts. It should, therefore, be discontinued forthwith and the system of recovering licence fees through the sale of shops should be substituted by including the licence fee in the price of the bottled liquor. The selling price which will include the vendor's commission will be indicated on every bottle and will also be displayed prominently in the shop. The appointment of the commission vendor will be at the entire discretion of the Government, so that it could be terminated without having to assign any reason.

The appointment of vendors should be carefully made. People of proved integrity should be appointed as vendors on a commission basis. As a means of rehabilitating the former contractors, and other persons engaged in liquor trade, due consideration may be given to such persons when making appointments provided their record justifies it.

For proper regulation, it is necessary to maintain a register of drinkers. A person, who genuinely needs liquor shall have to register himself with a commissioned vendor, who will record his name in a register kept for the purpose; details of his residence and occupation will also be entered in the register. A nominal fee of Re. 1 annually may be fixed for registration. The fee is recommended partly to cover the printing of the registers and partly to prevent frivolous registration. To prevent multiple registration in more than one shop, a customer will have to declare that he is not registered in any other shop. We are conscious that this system is not perfect, and is capable of abuse, but so is every system, and there will be abuses so long as the general standard of civic responsibility does not improve.

The permits will be issued after registration. The advantage of this system would be that it can provide reliable statistics for any programme of social work among drinkers.

Certain other restrictions are proposed in the scheme which follows. In recommending these restrictions we have tried to bear in mind that they should be workable and capable of inducing observance as well as effective enforcement. There is no virtue in laws, however, salutary they may be in their aims and objects, if they remain merely on paper. The merit of legislative measure is tested only in its administration and execution.

The scheme which we set forth below was prepared after full discussion of its various details with Deputy Commissioners and District Superintendents of Police who were specially invited for the purpose and it is hoped that it will stand the test of practical experience :—

- (1) Substitute Prohibition by a Scheme of Individual Rationing. The recommendations are for the whole State; but their implementation should be by stages. The scheme should first be introduced in dry areas in such stages as the Government deem it expedient to do so.
- (2) Rationing to be introduced by a system of registration.
- (3) The registration will be done through authorised vendors.
- (4) The applications will be made to them in a printed form. *Inter alia*, the applicant will have to state his name, place of residence, age, sex, and declare on solemn affirmation that the statements made by him are true and that he has not applied for registration or has not registered himself in any other shop or area.
- (5) The registered applications will be sent to the Tahsildars who will issue permits.
- (6) A fee of Re. 1 will be charged with each application to prevent frivolous applications.
- (7) Permit will be issued if the Tahsildar is satisfied that the application fulfils the terms and conditions prescribed by the rules framed by Government in that behalf.
- (8) The Excise, Revenue or Police Department as Government may consider it expedient to appoint, will verify a fixed number of applications for permits every month.
- (9) The authorised vendor will be responsible for the observance and enforcement of the Rules to be framed by Government in respect of registration, sale of liquor to *bona fide* customers, closing hours, limit of sale and such other matters.
- (10) There will be a licence fee for a permit. It will be Rs. 5 per year in urban and Rs. 3 per year in rural areas in addition to the initial fee of Re. 1 prescribed on the application for registration.
- (11) Aboriginal areas will be excluded from the operation of the Scheme of Individual Rationing. There should be neither Distillery nor Outstill System maintained in the aboriginal areas. They should be permitted to have their own system known as "Handia". Their problems should be reviewed after ten years.

- (12) Government may exclude any area from the operation of the Scheme of Individual Rationing.
- (13) Provision will be made for temporary permits.
- (14) Each shop will cater to a particular area and population. It will not be open for a person to buy from or register himself in more than one shop.
- (15) There will be a uniform ration for everybody. The ration will be fixed in consultation with the Department of Public Health. It should not be so high as to injure the health or provoke anti-social activities and not so low as to drive him to illicit liquor.
- (16) Liquor will be sold in sealed bottles.
- (17) Bottles of different sizes will be provided such as nip, pint and quart.
- (18) Consumption will be allowed on or off the premises as the Government may direct.
- (19) No drinking should be allowed at any public place. Clubs should not be regarded as public places.
- (20) The system of auctioning liquor shops should be discontinued. The vendors should be appointed either on a commission or salaried basis, preferably the latter.
- (21) Location of the shops should be carefully chosen. They should not be in places which are too conspicuous.
- (22) The quality of liquor should be certified by the Department of Public Health. The question of supplying lighter drinks (malt drinks) should be examined by that Department.
- (23) When monthly ration has been determined, not more than $\frac{1}{8}$ of the ration will be allowed to be purchased at a time twice a week; the limit of purchase at any one time should also be fixed.
- (24) Penalty should be provided for infringement of the Rationing Rules.
- (25) There should be a penalty for furnishing wrong declarations when making an application.
- (26) The dry islands such as Katni and Buldana should go.
- (27) The financial implications of this scheme have been worked out by the Secretary of the Committee and are appended in the form of a note at the end of this report (*vide* Appendix H). It may be observed that in the very nature of the problem, only very rough estimates could be framed.
- (28) There should be no rationing of toddy. The present system obtaining in wet areas should be continued and extended to dry areas. Auction system should be abolished as in the case of liquor, with the consequent reduction of price.
- (29) Individual Rationing of opium will continue as at present. A new and final list of opium addicts should be prepared after which no new names should be added as in the case of opium smoking. The ration of the opium addicts should not be reduced.
- (30) There should be no prohibition of the consumption of bhang.
- (31) Ganja to be prohibited.

(32) Foreign liquor :—

The present system of issuing permits should be maintained but there should be no discrimination as pointed out by the High Court. The fee for State permits should be Rs. 100 per year and Rs. 75 for District permits, provided the levy of a fee does not amount to discrimination.

In the scheme recommended by us we have, it must have been noted above, exempted the aboriginals from its operations. In the Government Resolution, dated the 13th December 1941, it was observed (in paragraph 2) as follows :—

“It will need little short of revolution in social customs in such tracts to achieve any abiding reform, meanwhile much harm can be done by setting too fast a pace.”

We are impressed by these observations as they are reinforced by the opinion of Shri Wanikar, Director of Tribal Welfare. He recommends very gradual curtailment of the number of outstills in that area in the first instance, and provision of entertainments and recreational facilities. But he warns that if complete Prohibition were given effect to all of a sudden, they would not only dislike it but some of the ferocious types of tribes may resent and even rise in rebellion. We are sure that his opinion is sound, and recommend its acceptance.

Concluding Remarks.--There was some discussion among us as to how to give effect to our recommendations. In our opinion the question lies beyond our province. The terms of reference invite us only to give our findings on certain specified points of facts, and suggest a policy to be followed in future. We would be exceeding our jurisdiction, were we to take upon ourselves a task which properly belongs to the Law Department of the Government.

We have proposed individual rationing with the idea of promoting Temperance, in the first instance, as it is now well recognized that State Prohibition can blossom only out of the development of Temperance. What we recommend is a programme of Planned Prohibition on rational and constructive lines. The problem requires to be treated on the secular plane of Public Health, from the point of view of the physiological effect of drink on the human system.

The retreat which is implicit in the recommendations we have made does not signify in any sense a departure or deviation from the ideal of total abstinence. Our recommendations only mean that Government should rectify the error of judgment, which they committed in precipitately applying the Law to areas where the needed psychological ground had not been prepared, and vary the course of its policy in a manner not incompatible with the spirit of the Prohibition Act, bearing in mind the bitter experience of Damoh where the ground once prepared is now almost lost. Let us remember that experience is the mother of wisdom.

We desire that the people should gird up their loins and come forward with a mind determined to chase away this demon of drink. Let the people realise that if we have failed to achieve our goal, it was because their minds were not ready to assimilate the lofty ideal. Let the people know that secret

drinking is demoralising, begetting, as it does, hypocrisy and duplicity, poisoning the very springs of good life. Let them also see that it is impossible for law alone to prevent drinking, and that drinking, open or secret, can be eradicated not by law but by the social control which the organised public opinion brings to bear on it. Let them understand that the initiative must come from them. Let the Government assure the people that if and when such initiative comes from them, they will be ever ready and willing to render all necessary and reasonable assistance to any genuine and concerted effort organised to attain the noble ideal of universal sobriety which is as much cherished by the Government as by them. The triumph of that ideal is assured when a sustained and well-directed collective effort comes forth to reinforce the arm of the law. Meanwhile there is no other course except to stop trying to enforce abstinence by law.

CHAPTER XVII.—SUMMARY OF PROHIBITION ENQUIRY COMMITTEE'S FINDINGS

The first term of reference of the Committee is:

“How far Prohibition has been effective in achieving its primary objective of eliminating or reducing the drink evil.”

Prohibition has not led to the elimination of drinking, but may have led to a reduction in the consumption of liquor. It is not possible to assess the quantum of reduction, but the reduction has not been consonant with the time, energy and money spent on it.

2. The second term of reference of the Committee is:

“Whether it has given an impetus to malpractices, such as illicit distillation, smuggling and consumption of deleterious substances”.

The Committee are of the opinion that Prohibition has given rise to widespread malpractices of illicit distillation, smuggling and consumption of deleterious substances.

3. The third and fourth terms of reference of the Committee are :

“Whether, and if so, how far it has contributed to the disregard of law in general and whether, and if so, how far it has led to corrupt practices”.

The Committee are of the opinion that Prohibition has contributed in an appreciable measure to the disregard of law in general and has led to corruption in the lower ranks of the enforcement staff.

4. The fifth term of reference of the Committee is:

“To inquire whether it has resulted in any improvement of the economic, social and physical condition of the drinking classes, and whether the general standard of living has been in any way affected, and if so, how far”.

The Committee are of the opinion that Prohibition has not led to any betterment of the economic, social and physical condition of the drinking classes, and has not helped to raise the general standard of living of the working classes. It has not affected one way or the other their efficiency and well-being.

5. The sixth term of reference of the Committee is:

"To ascertain what effect, if any, it has had on the efficiency and well-being of labour in the industrial areas".

The Committee are of the opinion that Prohibition has had no effect on the efficiency and well-being of the labour in the industrial areas, though it may have helped in warding off violence during period of tension and labour disputes.

6. The seventh term of reference of the Committee is:

"To examine what effect, if any, it has had on the juveniles and juvenile delinquency".

The Committee are of the opinion that illicit distillers and smugglers employ children as watchers and carriers, but are unable to offer any definite conclusion because of the lack of substantial evidence.

7. The eighth term of reference of the Committee is:

"To examine what effect, if any, it has had on the general financial position and inflationary pressure".

The Committee are of the opinion that Prohibition has seriously affected the resources of the State Government. The surrender of revenue has not been justified by the results, and the resources of the Madhya Pradesh Government are meagre and not capable of much expansion. The revenues of the State have not kept pace with the increase in the expenditure which is inevitable in the case of a democratic and welfare State.

As regards the effect of Prohibition on inflation, the Committee are agreed that Prohibition has had no appreciable or discernible influence on inflation.

8. The ninth term of reference is :

"To examine how far has the policy of Prohibition received the active support of the people in general".

The Committee are of the opinion that Prohibition has not been backed up at all by the active public support.

9. The tenth term of reference of the Committee is:

"To make recommendations with regard to the policy, the State Government should adopt in future".

The majority of the Committee are agreed on the recommendations which are given below:—

- (1) Substitute Prohibition by a scheme of individual rationing. It should be introduced in dry areas by stages as Government think expedient.
- (2) Rationing to be introduced by a system of registration.
- (3) The registration will be done through licensed vendors.

- (4) Applications will be made to the licensed vendors in a printed form, *inter alia*, the applicant will have to state his name, place of residence, age, sex and he will have to declare on solemn affirmation that the statements made by him are true and that he has not applied for registration or had himself registered in any other shop or area.
- (5) Registered applications will be sent to the Tahsildars, who will issue permits.
- (6) A fee of Re. 1 will be charged with each application to prevent frivolous applications.
- (7) A permit will be issued if the Tahsildar is satisfied that the application is in conformity with the rules framed in that behalf.
- (8) The Excise, Revenue or Police Department as the Government may consider to be most convenient to verify a fixed number of applications for permits every month.
- (9) The licensed vendor will be responsible for observance of the rules framed by Government regarding proper registration and sale of liquor to *bona fide* consumers, closing shops and limit of sale.
- (10) There will be a licence fee for a permit. Licence fee may be different in urban and rural areas.
- (11) Aboriginal areas will be excluded from the operation of the Scheme for the next ten years.
- (12) Government may exclude in its discretion any area from the operation of this scheme.
- (13) Provision should be made for temporary permits.
- (14) Each shop will cater to a particular area and population. It will not be open for a person to buy from or register himself in more than one shop.
- (15) There will be a uniform ration for every person. The ration will be decided in consultation with the Public Health Department.
- (16) Liquor will be sold in sealed bottles.
- (17) Bottles of every size will be provided, viz., nip, pint and quart.
- (18) Consumption will be allowed on and off the premises.
- (19) No public drinking will be permitted.
- (20) Liquor shops will not be put to auction, but vendors will be appointed either on a commission or salaried basis. One of the qualifications will be that he should keep a place of refreshment where alternative drinks will be provided.
- (21) Location of the shops will be very carefully chosen. They will not be too conspicuously situated.
- (22) The quality of liquor and the question of supplying lighter drinks (malt drinks) will be examined by the Public Health Department.
- (23) When ration has been determined, not more than one-fourth of the ration should be allowed to be purchased during one week and the limit of purchase at any one time should be two bottles.
- (24) Penalty should be provided for infringement of Rationing Rules.

- (25) There should be a penalty for furnishing wrong declarations when making an application.
- (26) The dry islands, e.g., Katni and Buldana, should go.
- (27) There should be no rationing of toddy. The present system obtaining in wet districts should continue.
- (28) Rationing of *opium* to continue as at present, in dry areas, but ration of *opium* addicts should not be reduced.
- (29) *Bhang* to be sold according to the present Excise Rules.
- (30) *Ganja* to be prohibited.
- (31) *Foreign liquor*.—The present system of issuing permits on considerations of social and economic status is objectionable. Permits should be issued on grounds of health or habit.

M. B. NIYOGI, *Chairman.*

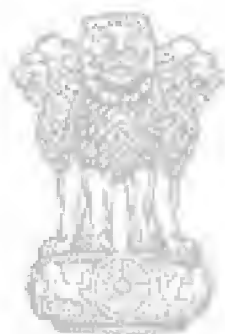
G. L. SHRIVASTAVA, *Member.*

V. B. SAPRE, *Member.*

R. SINGH, *Secretary.*



नन्नामिन्न नयने



सत्यमेव जयते

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APPENDICES

APPENDIX A

Statement showing the number of detected cases under the Prohibition Act, in the Nagpur District.

Year		Total No. of cases under Prohibition Act	Illicit distillation	
			Urban	Rural
1946	..	334	274	46
1947	..	1,647	260	105
1948	..	3,869	547	154
1949	..	3,793	604	163
1950	..	1,688	78	11

Information regarding prosecutions under the Prohibition Act.

Year	Detect- ed	Prose- cuted	Con- victed	Pending	Fined	Impri- sonment	Acquitted	Filed
1946	..	334	306	201	94	167	..	11
1947	..	1,647	1,566	818	583	644	174	115
1948	..	2,264	2,227	937	1,245	845	..	45
1949	..	1,694	1,679	1,664	..	..	..	..
1950	..	1,677	1,539	848	665	335	493	26

"Since 1946 to 1950, six persons of age below 16 years were prosecuted out of which, five were convicted and fined and one was ordered to execute a bond of good behaviour for one year."

The 19th September 1951.

SHARMA,
District Excise Officer.

APPENDIX B

Statement showing convictions and sentences of boys under Excise Act from 1940 to 1951 (5-9-1951).

Date of sentence	Registra- tion No.	Name	Term of detention	Section	Admission	Release
29-4-44 ..	1572	Lachman ..	4 years ..	S. 13, D. D. Act. S. 9, Opium Act.	17-3-45	28-4-48
11-7-45 ..	1631	Hussain ..	3 years ..	S. 13, D. D. Act. ..	12-7-45	10-7-48
11-9-45 ..	1642	Kadora ..	4 years ..	S. 6, Opium Act ..	15-9-45	10-9-49
18-12-50 ..	1878	William ..	3 years ..	S. 34 (a), Excise Act	31-1-51	4-7-51
(Furnished security)						

(Furnished security)

The 7th September 1951.

G. T. TANKHIWALE,
Superintendent, Reformatory School, Jabalpur.

APPENDIX C

Copy of letter written by a person who committed suicide at Raipur on the 28th April 1951.

श्रीमान तकशीश कुनिछ अफसर साहब अदाब अर्ज. अरसा ३० साल से मैं १ माशा अफयूम रोजाना खाता था. कमजोरी की वजह कम नहीं कर सका. उपाय किया कम नहीं हो सका. छै माशा माहवार परमिट थी. उससे काम नहीं चलता था. तकलीफ बहुत पाता था. इसलिये आज खुद फांसी लगा लिया. × ×

द: सुधाराम

हेड कान्स्टेबिल,

पेन्शनर लैन, बूढापारा, चावडी — १२ बजे रात.

Retired H. C. Sudharam, aged 70 years, committed suicide on the 28th April 1951, by hanging himself. He was the father of H. C. Sitaram working at police Station Kotwali, Raipur.

DIXIT,

District Superintendent of Police.

APPENDIX D

१. मद्यं मांसं मैथुनञ्च भूतानां ललनं स्मृतम् ।
तदेव विधिना कुर्वन्स्वर्गं प्राप्नोति मानवः ॥

(पृष्ठ ३२१, बृहस्पति स्मृति, आचार कांड ८२—Gaikwad Edition, Oriental Series)

२. लोके व्ययाया मिष मद्य सेवा
नित्यास्तु जंतोर्न हि तत्र चोदना
व्यवस्थितिस्तेषु विवाह यज्ञाः
सुराग्रहै रासु निवृत्तिरिष्टा ॥

(भागवत, स्कंध ११, अ. ५, श्लोक ११.)

३. न मांसं भक्षणे दोषो, न मद्यं न च मैथुने ।
प्रवृत्तिरेषा भूतानां, निवृत्तिस्तु महाफला ॥

(मनु. ५.५६)

४. या देवानामभृतं भूत्वा स्वधाभूत्वा पितृश्चया
सोमोभूत्वा द्विजातीनाम या युंक्ते श्रेयोभिरुत्तमे ॥७॥
या सुरासुर गंधर्व यक्ष राक्षस मानुषैः
रतिः सुरैरित्यभिहिता तां सुरा विधिना पिबेत् ॥१०॥
विधिना मात्रया काले, हितैरन्यैर्यथा बलम्
प्रहृष्टेयः पिबेन्मद्यम् तस्य स्वादमृतं यया ॥२७॥
किंतु मद्यं स्वभावेन ययैवान्नं तया स्मृतम्
अयुक्तियुक्त रोगाय युक्तियुक्त यैवा यथामृतम् ॥५९॥

(चरक संहिता, अध्याय २४.)

५. अथ यत्सुरा भवति क्षत्ररूपं तदथो अन्नस्य रसः
क्षत्ररूपमेव अन्नस्य रसः ॥
अस्मिस्तद्वात्यता

(ऐतरेय ब्राह्मण)

६. एतद्वं देवानाम परममन्नं । यत्सोमः
एतन्मनुष्याणाम् । यत्सुरा ॥

(तैत्तिरीय ब्राह्मण)

७. कुशास्तरण संस्तीर्णो रामः सन्निसषादह
सीतायादाय हस्तेन मधुमैरेयकं शुचि ॥

(श्रीमद् वाल्मीकी रामायण, सर्ग,
उत्तर कांड, पूर्वार्ध—९)

८. उत्तरे मद्यपा नार्यः ।

बृहस्पति स्मृति, देशजातिधर्माः, Page, 21—Verse १२९, Gaikwad Edition, Oriental Series

9. Reference to Uttaras—intoxication by Gandhari

Stri Parva 11, Chapter 20, Mahabharat

10. For the references to drinking by women and men of respectable classes, see “Indo-Aryans” Volume I, Chapters 7 and 8, by Dr. Rajendralal Mitra.

११. ब्राह्मणस्य महाभोक्षं मद्यपाने प्रियंवदे
मद्यपाने विना देवी तत्त्वज्ञानं न लभ्यते
अत एव च विप्रस्तु मद्यपानं समाचरेत्

(मातृकाभेद तंत्र Cited in Indo-Aryans—Chapter VII, Page 409.)

१२. ब्रह्महत्या सुरापानं *स्तेयं गुर्वगनागमः
महान्ति पातकान्याहुः संसर्गश्चापितैः सह ॥

(मनु. ११—५४)

But see supra sutra No. 3.

*“निषिद्धसुरापानं” (कुल्लूक भट्टटीका)

१३. सुरावैमलमन्त्रानां पाप्माच मलमुच्यते
तस्मात् ब्राह्मण राजन्यो वैश्यश्च न सुरां पिबेत् ॥

(मनु. ११—९३)

गौडी पैठठी च माध्वी च विज्ञेया त्रिविधा सुरा ।

(मनु. ११—९४)

१४. शैवर्णिकानामुत्पत्ति प्रभृति पैष्ठी प्रतिषेधः
 ब्राह्मणस्य तु मद्यमात्रं निषेधोऽप्युत्पत्ति प्रभृत्येव
 राजन्य वैश्य योस्तु न कदाचिदपि गौडयादिमद्य प्रतिषेधः
 शूद्रस्य न तु सुरा प्रतिषेधो नापिमद्य प्रतिषेधः

(Mitakshare—Prayaschitta Prakaran, verse 253.)

१५. पानसं द्राक्षं माधुकं खार्जूरम् तालमैक्षवम् ।
 मधूतयं सैरमारिष्टं मरेयम् नारिकेलजम् ॥
 समानानि विजानीयात् मद्यान्येकाद शैवतु ।
 द्वादशान्तु सुरामद्यं सर्वेषां अधमम् स्मृतम् ॥

“Ibid” 253 (commentry)

१६. पाणो न हंतब्बो, आदिन्न नादातब्बम्
 कामेसु इच्छा न चरितब्बा, मुसा न भासितब्बा
 मज्जे न पातब्बं

(पंचशील, prescribed by Lord Buddha).

१७. अर्थशास्त्र (कोटिलिय) — Chapter XXV, सुराध्यक्ष Sham
 Shastra edition.

१८. ब्राम्हणस्य हि देहोऽयं क्षुद्रकामाय नेष्यते ।
 कृच्छ्राय तपसे चेह प्रेत्यानंत सुखाय च ॥

(भागवत ११-१७-४२)

19. Reference to Shukracharya — Adiparva 76, 1--71—54 Mahabharat
 (Bhandarkar), Vol. I, Oriental Research Institute—

यो ब्राम्हणोऽयं प्रभृतीह कश्चिन्मोहात्सुरां पास्यति मंद बुद्धिः ।
 अपेत धर्मो ब्रह्महाचैव स स्यादस्मिल्लोकं गंहितः स्यात्परेच ॥ ५४ ॥

APPENDIX E

SUMMARY OF ESTIMATED COST OF ENFORCEMENT OF PROHIBITION

Office of the Inspector-General of Police

<i>Pay of Officers—</i>	Rs.
One District Superintendent of Police at Rs. 600 and special pay at Rs. 150.	9,000
<i>Pay of Establishment—</i>	
One Stenographer at Rs. 150	1,800
Two Upper Division Clerks at Rs. 110	2,640
One Peon at Rs. 25	300
One Daftari at Rs. 33	396
Total ..	5,136

D. E. F.—Pay of Officers—

	Rs.
Eight Deputy Superintendents at Rs. 350	33,600

Pay of the Force—

Two Inspectors	6,312
292 Sub-Inspectors	4,20,480
677 Head Constables	3,65,580
2,539 Constables	10,35,912
Total ..	18,28,284

Pay of Office Establishment—

Nine Accountants	12,204
Nine Lower Division Clerks	7,884
Eight Stenographers at Rs. 115	11,040
Total ..	31,128
Total pay of all ..	19,07,148

Allowances and Honoraria—

Travelling allowance	3,00,000
Railway warrants	10,000
House-rent allowance	240
Uniform allowance	21,220
Dearness allowance	1,21,232
Dear district allowance	27,168
Medical attendance	5,000
Special rewards to Police	5,000
Total ..	14,89,860

Contingencies—

	Rs.
House-rent	39,960
	81,240
	1,51,340
	<hr/>
	2,72,540
Rates and taxes	3,000
Hospital charges	5,000
Purchase of furniture	15,000
Purchase of typewriter	500
Tour charges	5,000
Other countersigned contingencies	5,64,220
Special rewards to informers	5,000
Clothing kit and Accountermments	2,55,840

Contract Contingencies—

Contract contingencies	40,000
Total ..	11,66,100

Summary—

Pay	19,07,148
Allowances	14,89,860
Contingencies	11,66,100
Grand Total ..	45,63,108

APPENDIX F

Statement showing the population of districts of Madhya Pradesh.

Names of districts	Population in the year			
	1921	1931	1941	1951
(1)	(2)	(3)	(4)	(5)
Nagpur	792,521	940,049	1,059,989	1,251,057
Wardha	463,696	516,266	519,330	539,879
Chanda	660,630	759,659	873,284	979,050
Chhindwara ..	840,706	967,004	1,034,040	1,083,978
Betul	363,737	406,252	438,342	452,344
Hoshangabad ..	773,698	823,627	837,942	850,320
Nimar	383,954	452,431	497,276	524,350
Amravati	827,867	941,604	988,524	1,032,669
Yeotmal	748,959	857,288	887,738	933,562
Akola	794,847	876,362	907,742	951,092
Buldana	703,643	766,584	820,862	870,816
Bhandara	717,747	824,496	963,225	1,074,394
Raipur	1,243,165	1,366,681	1,516,686	1,662,626
Bilaspur	1,210,560	1,376,475	1,549,509	1,684,452
Durg	1,116,973	1,262,192	1,415,552	1,490,773
Jabalpur	744,783	772,608	909,245	1,049,037
Sagar	816,438	851,484	940,260	993,628
Mandla	386,446	445,766	504,580	549,792
Balaghat	511,634	561,602	634,350	683,099
Total excluding Merged States.	14,102,004	15,768,466	16,813,384	18,656,918

Only provisional population figures of tahsils and towns are available at present and they are as follows in respect of the tahsils and towns :—

	Persons			
1. Melghat taluq of Amravati district	52,356			
2. Warora tahsil of Chanda district	210,128			
3. Brahmapuri tahsil of Chanda district	195,486			
4. Janjgir tahsil of Bilaspur district	566,615			
5. Durg tahsil of Durg district	338,033			
6. Murwara town of Jabalpur district	33,233			
7. Buldana town of Buldana district	10,800			

APPENDIX G

Statement showing the figures of gambling cases in each district of Madhya Pradesh from the year 1945 to 1950.

Name of district	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Nagpur	209	500	645	1,172	1,760	1,729
Chanda	43	66	75	..	103	99
Wardha	80	78	103	73	118	151
Chhindwara	17	..	85	64	37	157
Betul	6	5	..	..	..	21
Jabalpur	448	574	644	620	718	649
Sagar	179	..	179	..	339	287
Mandla	7	13	18	9	..	17
Hoshangabad	27	62	75	..	131	190
Nimar .. .. .	..	..	..	..	88	..
Raipur	91	137	274	402	455	376
Bilaspur .. .. .	..	..	40	..	107	143
Durg	13	13	14	32	50	61
Bhandara	32	41	63	82	60	81
Balaghat	10	5	5	14	29	11
Amravati	54	73	82	149	268	392
Yeotmal	10	35	23	21	40	36
Akola	133	98	118	144	125	109
Buldana	53	64	54	46	75	102
Total	1,412	1,764	2,497	2,894	4,568	4,747

APPENDIX H

An estimate of the Financial implications of the Rationing Scheme.

If rationing of country spirit is introduced in the dry areas, the following revenue may be estimated under each head :—

Rs. in lakhs			
Country spirit	..	70	} will be rationed.
Foreign liquor	..	2	
Toddy .. ..	..	8	} Will be sold as in the wet areas at present.
Bhang .. ..	..	1	

The Excise revenue under each head at present is as below :—

Rs.			
Country spirit	..	..	1,67,00,000
Toddy	..	..	3,15,000
Foreign liquor	..	..	6,28,000
Opium	..	..	27,00,000
Ganja	..	..	27,00,000
Bhang	..	..	2,00,000

The revenue from the excise for the whole of the State may, therefore, be estimated as follows, if the rationing of country spirit is introduced throughout the State : —

(1)	Existing Wet areas		Existing Dry areas		Total
	(2)	(3)	(4)	(5)	(6)
	Rs.	Rs.	Rs.	Rs.	Rs.
Country spirit ..	1,40,00,000	70,00,000	2,10,00,000		
Toddy	3,15,000	8,00,000	11,15,000		
Foreign liquor ..	6,00,000	2,00,000	8,00,000		
Opium	28,00,000	..	28,00,000		
Ganja	27,00,000	..	27,00,000		
Bhang	2,00,000	1,00,000	3,00,000		

A slight fall under country spirit after rationing in the existing wet areas is anticipated due to decreased consumption. These are the estimates of net revenue after deduction of expenditure on commission to vendors.

2. The consumption of 5,00,000 proof gallons or 12.5 lakhs bulk gallons of 60° U. P. or 72,00,000 bottles of 60° U. P. may be estimated, if rationing is introduced throughout the State. The number of permit holders may be estimated to be one lakh on the assumption that one person consumes one bulk gallon of 60° U. P. per month. If on an average Rs. 4 are recovered from each permit holder as a permit fee, we will get Rs. 4 lakhs in the shape of permit fees. The commission charges payable to the vendor and other incidental expenses may be estimated at about Rs. 10 lakhs if rationing is introduced throughout the State. This has been worked out on the commission of one anna per bottle

APPENDIX I

Statement showing yearly illicit distillation cases of country spirit.

Year				Illicit distillation cases	Year				Illicit distillation cases
(1)				(2)	(1)				(2)
1917	..	✓	..	178	1934	..	..	..	4,006
1918	..	..	..	127	1935	..	..	..	4,537
1919	..	..	..	447	1936	..	..	..	2,536
1920	..	..	..	423	1937	..	..	..	1,877
1921	..	..	..	798	1938	..	..	..	1,954
1922	..	..	..	1,296	1939	..	..	..	2,018
1923	..	..	..	1,552	1940	..	..	..	2,800
1924	..	..	..	1,804	1941	..	..	..	3,219
1925	..	..	..	2,340	1942	..	..	..	3,065
1926	..	..	..	1,931	1943	..	..	..	3,738
1927	..	..	..	1,405	1944	..	..	..	3,727
1928	..	..	..	1,455	1945	..	..	..	4,523
1929	..	..	..	1,676	1946	..	..	..	4,738
1930	..	..	..	1,912	1947	..	..	..	4,702
1931	..	..	..	2,481	1948	..	..	..	5,332
1932	3,889	1949	6,628
									158 (Rice Beer)
1933	3,745	1950	5,733
									182 (Rice Beer)

APPENDIX J

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APPENDIX K

Madhya Pradesh Prohibition Enquiry Committee.

Name of witness.....

Address.....

.....

Questionnaire I

Questions

(1)

Answers

(2)

1. Do you think that the policy of prohibition is in accord with current public opinion? If you think that it is, have you any particular section of the Society in view?

2. Do you think that prohibition has received active public support? If so, what has been the measures of public support? If not, in what direction do you think it was lacking?

3. Do you think that enforcement of prohibition is an interference with individual liberty, and is this interference necessary in the interest of society?

4. Do you think that a law like the Prohibition Act can be effectively enforced? Has the present Act been effectively enforced? If not, why not?

5. Do you advocate measures like collective fines, punitive police and authorisation of members of the Municipal Committees, Janapada Sabhas, Nyaya Panchayats, Gram Panchayats, etc., for certifying drunkenness?

6. What are your suggestions for enforcing prohibition effectively?

7. What is in your opinion, the extent of drunkenness (a) in rural areas and (b) in urban areas in the State? Is it so widespread that it calls for legislative action?

8. Would you prefer social and moral sanctions to legislative measures?

9. Do you think that prohibition has reduced consumption of alcohol generally? If so what are your reasons for that view? If it has failed, to what causes do you attribute its failure?

Questionnaire I—cont.

Questions

Answers

(1)

(2)

10. Has prohibition led to an increase in illicit distillation, bootlegging, consumption of deleterious substances, and other malpractices ?

11. To what extent in your opinion, alcohol obtained for medicinal purposes, is used for satisfying the craving for drink ?

12. To what extent, prohibition has given an impetus to the sale of spurious tonics and beverages containing alcohol ?

13. Has prohibition led to bribery and corruption amongst those who are entrusted with its enforcement ?

14. Has prohibition, in your opinion, led to the disregard of law in general ? And has it undermined the administrative machinery ?

15. Have you any reasons to suppose that illicit distillers are making such huge profits that they can afford to offer temptations too big to be resisted by most of those entrusted with enforcement of prohibition ?

16. Do you think that the process of distillation is so simple and widely known that it can be carried on without any serious risk of detection ?

17. Do you think that profits in illicit distillation are so large and the risk involved so small that the control of illicit distillation in prohibited areas is too big a task to be tackled unless a large, devoted and well-paid staff is employed to check it ?

18. Are you satisfied that majority of prohibition offences are detected ? If not, why not ?

19. What steps would you suggest for mobilising active and effective support for prohibition by non-officials in enforcing it ?

20. Do you think the number of persons addicted to drinking is on the increase ?

21. Do you think that propaganda and counter-attractions would help the cause of temperance and abstinence ?

22. To what extent has prohibition improved the economic condition of the industrial labour ?

23. Has prohibition effected any economy in the family budgets of the drinking classes ?

24. If it has led to any savings in the family budgets of the people (in lower income groups) are these savings utilised to raise the standard of living, or are they diverted to other desirable or undesirable forms of recreation, e.g., (a) betting or gambling and (b) cinemas and hotels ?

25. Has prohibition added to the inflationary pressure ?

26. Have the savings effected by prohibition increased the demand for goods already in short supply ?

27. Would you advocate the abandoning by Government of other public welfare activities such as Grow More Food, Housing, Education, etc., because it cannot find money to finance such activities owing to surrender of Excise Revenue, or would you advocate additional taxation to raise the revenue to finance such activities ?

Questionnaire I—concl'd.

Questions

Answers

(1)

(2)

28. Do you think that the sacrifice made by Government in losing one crore of rupees annually on alcohol and 25 lakhs on other drugs, has achieved the desired result?

29. If you think that prohibition should not have been given the high priority which it has been given in social reforms, what other measures of public welfare in your opinion should have precedence over it?

30. If you think that prohibition has been a success, would you recommend any extension of the Prohibition Act?

31. Do you consider the policy of having dry and wet areas in the State workable? To what extent wet areas tend to make dry areas moist?

32. Do you advocate prohibition of toddy?

33. Do you think that exemption from the operation of the Prohibition Act should be given to certain classes of people, e.g., members of the Armed Forces, Foreign travellers, and persons above certain age-limits?

34. If you think that prohibition has not been successful, would you suggest its being called off entirely or would you like it to be modified and rationing introduced?

35. Would you advocate rationing by either (a) reducing issue of liquor to licensed vendors, or (b) by individual rationing, i.e., issue of ration permits to individuals?

36. The present strength of country spirit is 45° U. P. and 60° U. P. i.e., the alcoholic content is 27 and 20 per cent. Would you suggest any reduction in its alcoholic content, if the present policy of prohibition is modified?

37. Would you recommend any modification of the present excise policy of Government regulating manufacture and sale of liquor, if it is decided to call off prohibition?

38. Is it possible to improve the quality of country spirit so that its alcoholic content may be reduced without reducing its acceptability to drinkers?

39. If you think that spirits are harmful, would you advocate the introduction of beers and wines which have lower alcoholic content?

40. Would you advocate the sale of liquor through Government agencies rather than through private agencies, which are interested in boosting up sales?

41. If prohibition is called off entirely, would you suggest utilisation of some of the Excise Revenue, for making propaganda for temperance and for providing counter-attractions, such as milk-bars, open parks, theatres and other places of amusement for labourers in industrial areas?

42. If consumption of liquor is permitted, would you advocate improving liquor shops where retail sales are allowed, so as to make them sanitary and educative by providing soft drinks, radio, washing places, etc., or do you think that creation of more attractive booths would encourage drinking?

43. If there is no prohibition, would you advocate more deterrent punishment for illicit distillation.

Questionnaire II

Questions

Answers

(1)

(2)

1. Are any of the welfare arrangements made by you calculated to minimise the drink evil? If so, will you kindly state what steps have been taken in this direction, and with what results?

2. Do you think that the drink habit among your labour can be kept within moderate limits by temperance work or do you think that the evil is so great as to call for prohibition?

3. Have the working classes welcomed prohibition? Would they welcome it in areas where it has not yet been introduced?

4. In case prohibition is introduced in areas not yet under prohibition, what substitute means of refreshment, recreation and entertainment do you think it would be necessary to provide?

5. What measures would you suggest to mobilise active and effective support of the workers themselves in securing the success of prohibition?

6. To what extent have you noticed the use of contraband and illicit liquor and other deleterious substances by the working classes with whom you come in contact?

7. Has prohibition increased the efficiency of labourers?

8. Has prohibition led to an improvement in the economic condition of the industrial labourers?

9. To what extent the savings effected by prohibition are diverted to other forms of recreation, e.g., betting, gambling, cinemas and hotels?

10. Has prohibition improved regularity in attendance? Has it in any way affected strikes?

11. Were there any cases before prohibition of labourers appearing for work in a drunken or semi-drunken condition?

12. Has prohibition led to loss of incentive to work to their full capacity amongst labourers to earn as much as they did when they needed money for drinking?

APPENDIX M—PART I

Statement showing illicit distillation cases (Urban and Rural) for each district from 1921 to 1934.

Name of district	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
1. Nagpur—														
Urban	7	6	4	11	19	53	118	80	85
Rural	34	26	35	47	64	136	164	169	215
Total	..	42	29	14	145	41	32	39	58	83	189	282	249	300
2. Wardha—														
Urban	1	..	2	4	2	1	3	43	31	22	36
Rural	..	9	10	29	15	16	14	23	11	15	41	71	64	86
Total	..	9	10	30	15	18	18	25	12	18	84	102	86	122
3. Chanda—Nil.														
4. Chhindwara—														
Urban	9	2	25	25	35	13
Rural	415	369	414	531	493	487
Total	..	144	195	335	501	362	364	343	424	371	439	556	528	500
5. Seoni Sub-Division—														
Urban	1	2
Rural	..	31	75	92	130	64	37	26	17	41	47	40	58	116
Total	..	31	75	92	130	64	37	26	17	41	47	40	59	118
6. Betul—														
Urban	1	2	5	7	5	6	31	20	25	21
Rural	..	140	207	357	302	236	117	139	159	182	262	482	458	513
Total	..	140	207	357	303	238	122	146	164	188	293	502	483	534
7. Jabalpur—														
Urban	6	3	..	3	5	9	12	25	16	18	29
Rural	..	16	30	33	78	77	17	29	33	48	34	35	31	60
Total	..	16	30	39	81	77	20	34	42	60	59	51	49	89
8. Sagar—														
Urban	1	..	1	1	5	1
Rural	2	..	..	..	..	..
Total	3	..	..	..	..	..

• Nine months.

9. Damoh Sub-Division—

Urban	..	..	..	..	..	..	..	..	2	..	2	1
Rural	..	..	..	..	..	..	..	..	..	5	7	8
Total	..	..	..	..	..	..	..	..	2	5	9	9

10. Mandla—

Urban	..	..	..	..	..	..	..	..	1	3	2	6
Rural	..	..	..	..	..	..	..	..	212	269	302	231
Total	..	..	..	..	..	..	..	..	213	272	304	237

11. Hoshangabad—

Urban	..	..	..	..	..	..	..	..	3	6	5	9
Rural	..	..	..	..	..	..	..	..	12	9	30	45
Total	..	..	..	..	..	..	..	..	15	15	35	54

12. Narsimhapur—

Urban	..	..	..	..	..	..	..	..	..	..	..	..
Rural	..	..	..	..	..	..	..	..	..	..	..	..
Total	..	..	..	..	..	..	..	..	..	..	..	..

13. Nimar—

Urban	..	..	..	..	..	..	..	..	1	5	9	2
Rural	..	..	..	..	..	..	..	..	38	84	80	87
Total	..	..	..	..	..	..	..	..	39	89	89	89

14. Raipur—

Urban	..	..	..	..	..	..	..	..	10	17	12	13
Rural	..	..	..	..	..	..	..	..	65	248	206	228
Total	..	..	..	..	..	..	..	..	75	265	218	241

15. Bilaspur—

Urban	..	..	..	..	..	..	..	..	1	5	3	2
Rural	..	..	..	..	..	..	..	..	65	81	126	148
Total	..	..	..	..	..	..	..	..	66	86	129	150

APPENDIX M—PART I—cont.

Statement showing illicit distillation cases (Urban and Rural) for each district from 1921 to 1934—cont.

Name of district	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
16. Durg—														
Urban
Rural
Total
17. Bhandara—														
Urban
Rural
Total
18. Balaghat—														
Urban
Rural
Total
19. Amravati—														
Urban
Rural
Total
20. Akola—														
Urban
Rural
Total
21. Buldana—														
Urban
Rural
Total
22. Yeotmal—														
Urban
Rural
Total

Nine months

APPENDIX M—PART II

Statement showing illicit distillation cases (Urban and Rural) and juveniles involved in them for each district in the Madhya Pradesh from 1940 to 1950

Name of district (1)	1940 (2)	1941 (3)	1942 (4)	1943 (5)	1944 (6)	1945 (7)	1946 (8)	1947 (9)	1948 (10)	1949 (11)	1950 (12)
1. Nagpur—											
Urban ..	85	103	97	123	150	129	274	260	547	604	78
Rural ..	151	145	154	232	263	238	46	105	154	163	11
Total ..	236	248	251	355	413	367	320	365	701	767	89
Juveniles ..	..	..	..	..	..	..	..	..	..	1	..
2. Wardha—											
Urban ..	11	..	38	61	105	70	128	93	79	68	53
Rural ..	35	..	68	95	109	129	151	85	142	229	118
Total ..	46	..	106	156	214	199	279	178	221	297	171
Juveniles ..	..	..	..	..	..	..	..	..	..	..	..
3. Chanda—											
Urban ..	2	6	3	7	9	8	4	2	3	17	17
Rural ..	87	99	67	159	109	149	139	273	317	357	138
Total ..	89	105	70	166	118	157	143	275	320	374	155
Juveniles ..	..	..	..	..	..	..	..	..	2	1	1
4. Chhindwara—											
Urban ..	6	12	4	4	15	6	26	53	35	5	9
Rural ..	421	473	407	482	566	621	631	473	566	534	610
Total ..	427	485	411	486	581	627	657	526	601	539	619
Juveniles ..	..	..	..	..	..	..	..	..	..	..	..
5. Betul—											
Urban ..	2	4	3	1	5	15	8	4	7	4	6
Rural ..	218	278	215	206	244	346	255	190	201	205	300
Total ..	220	282	218	207	249	361	263	194	208	209	306
Juveniles ..	..	..	..	..	..	..	..	..	1	..	3
6. Jabalpur—											
Urban ..	..	..	..	8	11	8	20	6	10	9	12
Rural ..	..	..	..	70	124	105	122	80	63	87	102
Total ..	54	105	63	78	135	113	142	86	73	96	114
Juveniles ..	..	..	..	..	..	..	..	..	..	..	..

Figures not available

APPENDIX M—PART II—cont.

Statement showing illicit distillation cases (Urban and Rural) and juveniles involved in them for each district in the Madhya Pradesh from 1940 to 1950—cont.

Name of district	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
19. Yeotmal—											
Urban ..	10	3	5	23	11	1	10	9	7	14	41
Rural ..	255	291	291	401	373	534	630	617	428	445	642
Total ..	265	294	296	424	384	535	640	625	435	459	683
Juveniles ..	..	..	..	..	..	..	..	..	8	11	13
20. Bastar—											
Urban ..	..	..	..	..	..	..	..	..	..	..	..
Rural ..	..	..	..	..	..	..	..	..	284	77	171
Total ..	..	..	..	..	..	..	..	..	284	77	171
Juveniles ..	..	..	..	..	..	..	..	..	..	..	..
21. Surguja—											
Urban ..	..	..	..	..	..	..	..	..	..	..	9
Rural ..	..	..	..	..	..	..	..	..	44	100	242
Total ..	..	..	..	..	..	..	..	..	44	100	251
Juveniles ..	..	..	..	..	..	..	..	..	..	..	..
22. Raigarh—											
Urban ..	..	..	..	..	..	..	..	..	47/Nil	3	88/182
Rural ..	..	..	..	..	..	..	..	..	47/Nil	77/155	88/182
Total ..	..	..	..	..	..	..	..	..	47/Nil	77/158	88/182
Juveniles ..	..	..	..	..	..	..	..	..	..	..	..

•These are cases of illicit manufacture of rice beer.

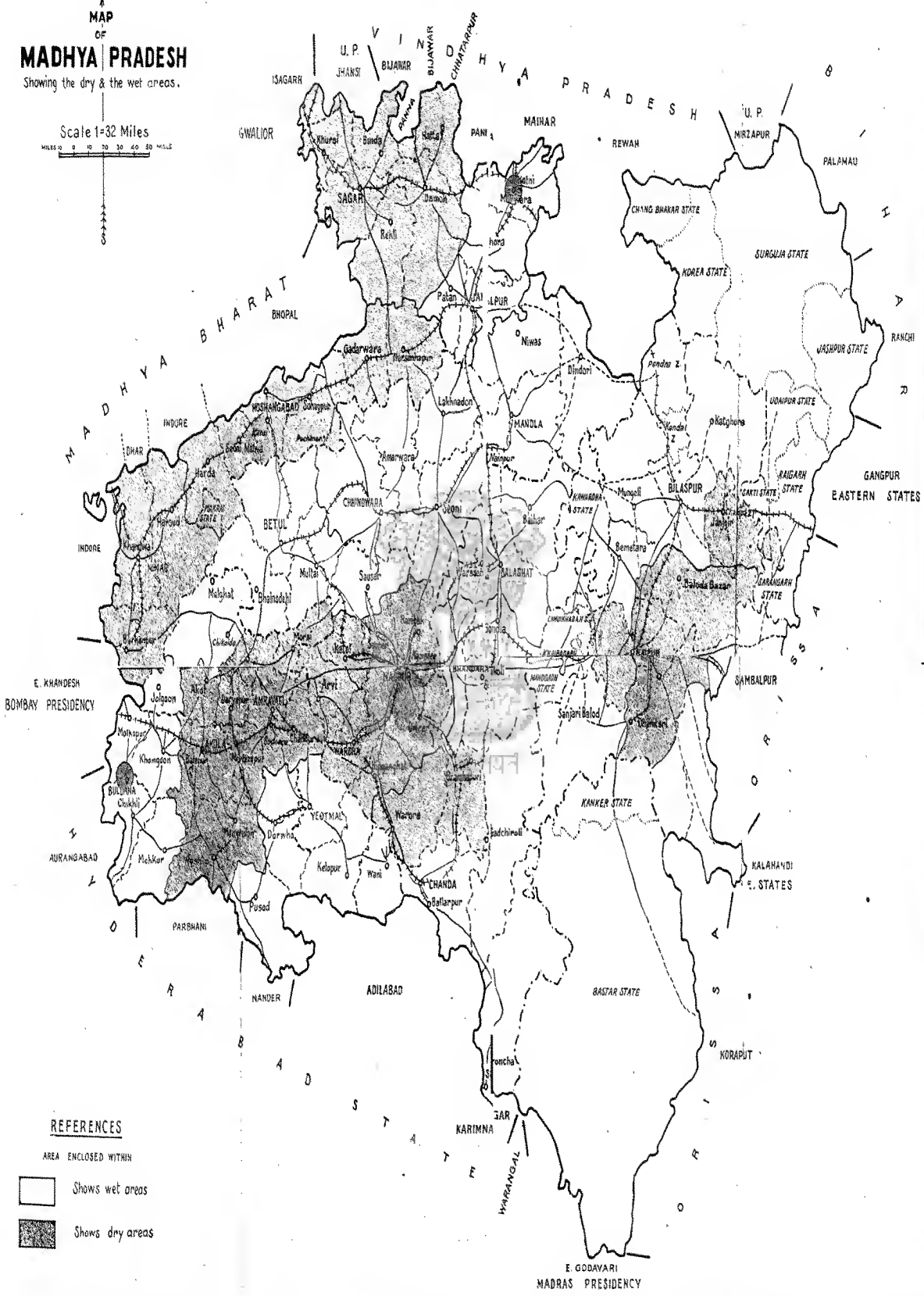


MADHYA PRADESH

Showing the dry & the wet areas.



Scale 1:32 Miles

MILES 0 10 20 30 40 50



REFERENCES

AREA ENCLOSED WITHIN

-  Shows wet areas
-  Shows dry areas

E. GODAVARI
MADRAS PRESIDENCY

Madhya Pradesh
Prohibition Enquiry Committee, 1951

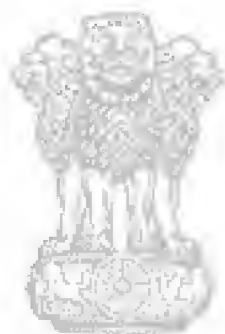
SEPARATE REPORT

By

SHRI P. KODANDA RAO

Servants of India Society.

सर्वभूतहितेन



सत्यमेव जयते

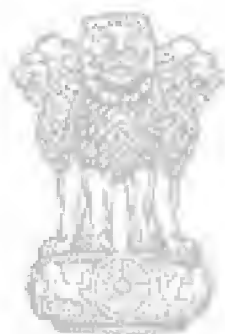
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सत्यमेव जयते

PART I

CHAPTER I.—INTRODUCTION

I am happy to acknowledge that the whole Committee have been unanimous in recommending that both Prohibition and Excise should be replaced by Individual Rationing in the whole State, a policy which I had the honour of advocating in an article published in the *Hitavada* on the 23rd May 1949. Much to my regret, however, we have not been able to agree on some of the important findings and recommendations. Hence this separate Report.

2. **Appointment.**—The Committee was appointed on the 9th January 1951. It met in Nagpur for the first time on the 16th January 1951. It was desired to present its report as early as possible, preferably within four weeks, in order to enable the Government to take it into consideration before finalising its Budget for 1951-52. It would have given great satisfaction to the Committee if it could have kept to that schedule. It is a matter of deep regret that, with the best of goodwill, it was not able to do so.

3. **Inadequate preparation.**—The delay was due partly to the very broad and comprehensive terms of reference. The Committee was asked to find facts, and not merely gather opinions. It was to examine not only the *administration* of the Central Provinces and Berar Prohibition Act of 1938, but also to review the *policy* underlying it. In the very nature of things, it was not possible to get direct, quantitative and factual evidence of the consumption of prohibited articles in the Dry areas. Only indirect evidence was to be thought of. In the best of circumstances, the true assessment of the results of a social reform like Prohibition is difficult and doubtful, as it is highly controversial and deeply coloured by subjective sympathies and antipathies. The Committee was further handicapped by the fact that at the very outset it was not furnished with a compact and comprehensive memorandum on all the relevant and available facts and figures leading up to the enquiry, particularly regarding the economic, social and physical conditions of the drinking classes before and after the introduction of Prohibition. The Committee itself could not, within the limits of its time and equipment, undertake the necessary and elaborate research.

4. **Handicaps.**—The Committee was handicapped by the fact that some of the highly authoritative persons like the Hon'ble Minister for Excise, the Chief Secretary, and the Excise Commissioner either declined to give evidence, or gave evidence *in camera* or did so in their personal, and not in their official, capacity. The Minister for Excise declined to give evidence on the ground that, as a Member of the Government with joint responsibility, he would be called upon to consider the Report of the Committee when it was presented and that, therefore, it was inappropriate that he should give evidence before the Committee. It may be mentioned that his evidence, if given, would naturally refer to the past and current policy and administration. The Committee regrets that it was deprived of the authoritative exposition of Government's point of view, which only a Minister could give. Paradoxically enough, the Hon'ble the Excise Minister, who could not help the Committee regarding the past for fear of compromising the future, anticipated to some extent the

future. According to an uncontradicted interview published in the local papers on the 9th January 1951, the very day that the Committee was appointed, the Minister had said that if the Committee recommended the withdrawal of Prohibition, his Government would turn it down!

5. Official contradictions.—Normally, the annual administration reports of the several departments of Government contain not only the relevant facts and figures, but also an appraisal of the results of the working of the concerned department. The annual reports of the Madhya Pradesh Excise Department were no exception. Year after year they recorded that Prohibition was a great success. The Report for 1949, the latest available, said:

District reports show that Prohibition has undoubtedly improved the moral, physical, social and economic conditions of the ex-addicts. Money spent formerly on liquor is now being spent on the necessities. Domestic life of the drinking classes has become happier. Prohibition has also arrested the spread of the habit of drinking liquor and use of intoxicating drugs among the younger generation which is one of the invaluable gains to the nation.

This high appreciation of Prohibition was published in the *Government Gazette* simultaneously with the appointment of the Committee and the Press Note thereon. The Press Note said:

Public opinion with regard to the results so far achieved, however, appears to be sharply divided. A stage has now been reached to make an attempt to assess the real results of this measure and to decide the future course of action.

It was somewhat surprising that the annual Excise Reports gave no hint of this sharp division of opinion. Nor was any evidence produced before the Committee that there was any sharp division of opinion *before* the appointment of the Committee. Normally, a government stands by its own assessment of its policies. It is only when the assessment is questioned by a responsible section of the public that the government appoints a committee of enquiry. And in that enquiry the Government spokesmen defend their policy and administration. In the present instance, the situation was different. There was no evidence of any responsible section of the public questioning the Government's appreciation of Prohibition either through the press or the platform, much less of any organised anti-Prohibition party, demanding the modification or repeal of Prohibition similar to the agitation against, say, Vanaspathi or the Hindu Code.

6. Bona fides.—The appointment of the Committee in these circumstances gave room for the allegation in some influential quarters that the appointment was due not solely to doubts regarding the success of Prohibition, but to other, though not exclusive, reasons.

7. Strange attitude.—The evidence of a majority of Government officials was intriguing to a degree. Some with assurance, and some with evident satisfaction, claimed that Prohibition was an utter failure, notwithstanding their earlier reports to the contrary! It is not our purpose to enquire how such contradictions came to be, except to say that both opinions could not be equally true.

8. Doubtful advice.—It was suggested that the earlier glowing reports of the success of Prohibition should be discounted and the evidence to the contrary given to the Committee should be credited as nearer the truth, on

the ground that the former opinion was more accommodating than true. The suggestion was not without its risks. The appointment of the Committee, with its wide terms of reference, created a widely believed impression that Government had changed its attitude towards Prohibition, and that the Committee was appointed to find plausible reasons for the Government's *volte face*! If Government officials had earlier given accommodating opinions, there was no convincing reason that their changed opinions were not equally accommodating. Whatever be the truth of the matter, it has made it difficult for the Committee to take the bulk of official evidence at face value.

9. Pre-conceived generalization.—The great bulk of non-official evidence gave expression to opinions rather than to facts, and most of the opinions seemed to be pre-conceived and subjective, as was perhaps natural. There were very few witnesses, indeed, who changed their opinion as the result of their experience of Prohibition in operation. Most witnesses generalized their limited experiences. Along with Mr. G. W. Wickersham, Chairman of the Commission on the Enforcement of the Prohibition Law of the United States, the Committee would have preferred "more facts and fewer broad generalisations from unstated facts" (Wickersham Report, page 161).

10. Hustle.—The Committee was appointed on the 9th January 1951. It met for the first time on the 16th January and began taking oral evidence from the very next day. It would have been far more satisfactory if the more normal procedure had been adopted, and the members had been given adequate time and facilities to familiarise themselves with the nature of the enquiry and the background material, and if adequate time had been given to the witnesses to study the questionnaire and send in written evidence before any of them was asked to give oral evidence.

The original terms of reference confined the enquiry to liquor. But on the 30th January, Drugs were added. If a supplementary questionnaire had been issued and written evidence invited, the enquiry would have been more satisfactory.

11. Uneven policy.—Prohibition of different articles was introduced and extended at different places and at different times in the State. For instance, Prohibition of country spirit was first introduced in 1926 in the Damoh sub-division. In 1938 it was extended to some districts, sub-divisions, taluqs and cities, with a population of 1,400,000. In 1938 toddy was prohibited in the two districts of Wardha and Akola, and in 1939 country spirit also. In 1940 there was a further extension of Prohibition to certain districts, tahsils and towns. In 1946 there was a further extension of Prohibition to certain other areas and to certain other articles like opium in the Dry areas. The situation was further complicated by some legal consumption of prohibited articles in the Dry areas, like Foreign liquor, Opium and Drugs. Whatever be the financial and administrative justification for the piecemeal extension of Prohibition to places and to articles, the assessment of the results of the policy was not rendered easier thereby.

12. Dry islands.—Another complicating factor was that the Dry areas were not all contiguous but scattered. For instance, the towns of Katni and Buldana were Dry cases in the Wet deserts of Jabalpur and Buldana districts. Between the Dry areas in the Nagpur and Durg districts lay the Wet area of Bhandara.

13. **Set-back.**—By an amendment of the Act in 1944, Government took power to withdraw Prohibition and applied the amendment to Katni from the 21st September 1944. Yet another complicating factor was that during the Section 93 regime in war-time, there was a "set-back" to Prohibition.) The full significance of the "set back" is not clear.

14. **Resumption.**—Prohibition was resumed in 1946, and the last extension was in 1948. By the end of 1950, Prohibition was in operation in a large enough area but only for three years. Even under the best circumstances, this period may be considered too short to warrant any worthwhile conclusions regarding the moral, social and economic effects of Prohibition. The Excise Department was able to furnish information for only two years, 1948 and 1949, but not for the complete year of 1950. Even so, the information for the two years regarding the social, economic and moral effects of Prohibition was very scanty.

15. **Inadequate tour.**—The Committee was able to visit Dry areas like Nagpur, Raipur, Wardha, Akola and Sagar, and Wet areas like Jabalpur and Seoni, and the aboriginal district of Bastar. Inasmuch as it was within the scope of the Committee to recommend the extension of Prohibition to some or all the present Wet areas and to aboriginal areas as well, if it thought fit, it would have done better, if it had visited more places, and particularly rural and aboriginal areas.

16. **"Success".**—Last but not least, there was no generally accepted criterion of the frequently used phrase "success" or "failure" of Prohibition. The same may be said of social reforms concerning Prostitution, Birth-control, Juvenile Smoking, Child-marriage, Education, Untouchability, etc. At one extreme, it may be held that Prohibition was a "success" if not a drop of liquor was consumed in the Dry area, or that it was a "failure" if even a drop was consumed. If this criterion be adopted, it did not require a Committee to prove that Prohibition was a "failure". The first term of reference said that the primary objective of Prohibition was "eliminating or reducing the drink evil". If the second test be adopted, the question arises as to how far consumption should be reduced to warrant the conclusion of "success", granting that it was possible to ascertain with some accuracy the extent of consumption in Dry areas. "Success" or "failure" thus depends on the *quantitative, rather than qualitative* appreciation. But there is no generally accepted quantitative criterion as regards Prohibition. Luckily, the Committee was not asked to pronounce on the "success" or "failure" of Prohibition.

17. **Delay and doubt.**—The above matters have been referred to here, not by way of criticism of anything or anybody, but to indicate the doubts and difficulties which beset the Committee and which were in some measure responsible for the delay in submitting the Report, and for the doubts regarding the findings.

18. **American precedent.**—It is some negative consolation to the Committee that it was not singular in this respect. The American Wickersham Commission, which took some eighteen months to report and which had a batch of researchers to investigate, was unable to arrive at a firm and unanimous opinion regarding Prohibition in America. It was only by a large

majority that the Commission recommended that the Prohibition should not be repealed, but that it should be tried some time longer, and only then, and if necessary, it should be revised such that the gains of Prohibition were conserved and only its evils eliminated.

19. Local precedent.—In Madhya Pradesh the last Committee to “review the working of the policy of Prohibition” was appointed in June 1935, with the Honourable Rai Bahadur K. S. Nayudu, Minister for Excise, as Chairman, and with ten non-officials and three seasoned officials as Members. Though, for reasons not relevant to present purposes, the Draft Report was not signed by the Nayudu Committee, nor considered by the then Government, the findings and conclusions of the Committee are of great significance, as will be noted later as and when occasions arise. Here it is only necessary to say that the Committee was asked to pronounce on the “success” or “failure” of Prohibition policy of the then Government. Curiously enough, there was no “Prohibition” in operation in any part of the State except in the sub-division of Damoh. In the rest of the State there was only the Excise policy, which professed to discourage excessive consumption and not prohibit consumption altogether. Regarding Prohibition in Damoh, the Nayudu Committee said :

We are not in a position to pronounce definitely on the success or failure of this experiment as we have not had an opportunity of ascertaining local opinion in the matter. We are also of opinion that the problem is an isolated one having no bearing on the major issues referred to us. The Damoh sub-division is inhabited by people of Hindustani stock who are little addicted to drink and we understand that no serious difficulties have arisen by closure of all liquor shops. We consider that the sub-division should continue “Dry” so that it may form a nucleus for further reform amongst the people of the adjoining districts. (Page 12.)

It will be noted that the Committee refrained from pronouncing on the “success” or “failure” of Prohibition in the only area in which it was in operation then. But on grounds unconnected with success or failure, it recommended its continuance. This did not offer the present Committee any comforting lead.

20. Uncertain and divided.—Though in the rest of the province, other than Damoh, there was only the Excise policy and not Prohibition, the Nayudu Committee opined that the “Policy of Prohibition” had not succeeded as a whole! With regards to some matters like zoning the Province for differential treatment (page 35), or local option (page 37), it was not unanimous. Even as regards the extent of the loss of revenue due to the restrictive Excise Policy followed since 1921, the Nayudu Committee found it “impossible” to express an opinion in view of the various factors which operated simultaneously.

21. Tentative.—The present Committee was sorely tempted to follow the lead of the Nayudu Committee and say that it found it “impossible” to express an opinion on the questions referred to it. It, however, resisted the temptation, and ventured to give some findings and some recommendations, but not without considerable trepidation and hesitation.

22. **Comparative view.**—In expressing even a tentative opinion, it would be worthwhile to recall the approach of the Wickersham Commission in assessing the effectiveness of the American Prohibition Act. The Commission observed :

It is truism that no laws are absolutely observed or enforced. A reasonable approximation to general observance and to full enforcement is the most that we may expect. What, then, should be considered a reasonable practical enforcement of the National Prohibition Act? If we compare that Act with other laws, would not our measure be such an enforcement as operates on the whole as an effective deterrent and brings a high average of observance throughout the land? (Page 61.)

In order to judge if the Madhya Pradesh Prohibition Act has been effective or not, it is necessary not only to assess the observance and enforcement of the Act itself, but also to compare the same with the observance and enforcement of other laws as well, as for instance, the Excise Act. It should be judged not in isolation, but in comparison with other laws.

CHAPTER II.—CONSUMPTION OF ILLICIT LIQUOR IN DRY AREAS

1. **Quantitative reduction.**—The first term of reference of the Committee asked :

How far Prohibition has been effective in achieving its primary objective of elimination or reducing the drink evil?

Evidence was unanimous that the drink evil has not been *eliminated* in the Dry areas. It was divided as to whether it was *reduced*, and if so, how far. Some witnesses said that consumption had increased since Prohibition; others said that it had decreased, but not to the extent anticipated. It may be recalled that the main objective of even Excise policy has all along been, or professed to be, the *reduction* of the consumption of intoxicants. If both Prohibition and Excise policies aimed at reduction of consumption, what, then, is the difference between the two? It is *quantitative* and not *qualitative*. To be worth the name, Prohibition should reduce consumption much more than Excise. Has it done so?

2. **Circumstantial evidence.**—In the Wet areas under Excise we have official figures of consumption. But even in such areas there has always been illegal manufacture and consumption, for which, however, there are, and can be, no official figures. Thus, in the Wet areas there has been licit *plus* illicit consumption. In the Dry areas under Prohibition, consumption can be only illicit, except to the very limited extent permitted by the Prohibition Act. In the very nature of things, there are, and there can be, no official figures of such illegal consumption. Only indirect evidence can be looked for. Several approaches may be tried. To the extent that their results converge, they may be assumed to be correct and true.

3. **High price of I.D.**—While, as has been already stated, there was a difference of opinion regarding the fact and the extent of the reduction in the consumption of liquor, it was fairly unanimous that illegal liquor was *very much* more expensive than licit liquor by anything between two to five times. The Excise Report for 1948 noted that the drinkers in Akola spent

four times the amount they used to spend before Prohibition. Witnesses before the Committee stated that illicit liquor was, and had to be, highly expensive to consumers, because illicit distillation and smuggling were offences, involving the risk of detection, bribes to escape prosecution, and fines and jailing on conviction. It was not worthwhile to take all these financial and personal risks unless the venture brought in temptingly high profits. Liquor was no exception to the general rule that black-market prices were higher, much higher than legal prices; only more so.

4. **Fall in consumption.**—If the price to the consumer of illicit liquor in the dry era was two, three or more times the price of licit liquor in the previous wet era, one or other of the following consequences must follow logically. Other factors being constant, the higher the price the less the consumption of licit or illicit liquor both in the dry and wet areas and eras. If the price is suddenly doubled or tripled, consumption was bound to fall considerably, though not to the exact reciprocal extent. If, however, the consumption increased, as some witnesses would have it, and at the same time the price was doubled or tripled, as they would also have it, it follows that the liquor bill of the consumers must have increased proportionately. Though the wages and income of the consuming class have, no doubt, increased during the last few years, their cost of living also has gone up and even more so. Though money incomes have gone up since the pre-war era, real incomes have, on the whole, gone down. According to Dr. B. Natarajan, the Economic Adviser to the Madras Government, the *per capita* money income in the Madhya Pradesh rose from Rs. 85 in 1938-39 to Rs. 306 in 1949-50, but the real income fell to Rs. 82, a fall of 3.96 per cent. (*National Income and Expenditure in India, Appendix IV.*) Unless, therefore, the consumers were spending a much larger proportion of their income on illicit liquor since Prohibition than on licit liquor before Prohibition, the consumption must have fallen.

5. **Expenditure on liquor.**—Dr. Natarajan's figures, quoted above, refer to the State as a whole, and not specially to the small minority who generally consumed country spirit, licitly before Prohibition, and illicitly after. Without further research than we have been able to undertake, it is not possible to say how far the real income of the drinking section was different from the State average, and what were the relative proportions of its expenditure on liquor before and after Prohibition. There is, however, no reliable evidence that the consumers of illicit liquor were spending practically all their incomes on liquor and starving their other needs, though there may be some exceptional cases of the kind.

6. **High profits.**—If, according to some witnesses, the average drinker was spending twenty-five per cent of his income on drink in the Wet era, and if in the Dry era the price of illicit liquor was double the price of licit liquor in the Wet era, he must, broadly speaking, spend fifty per cent of his income on illicit liquor. Or, if he was still spending only twenty-five per cent of his income on liquor, his consumption must be halved. If, on the other hand, illicit liquor was not more expensive, or was cheaper, than licit liquor, it was possible that the consumption remained the same or even went up, while the consumer spent no greater proportion of his income on liquor than before. In which case, the illicit liquor business would not be paying the fantastic profits claimed for it. It means that if profits are high, consumption must be low but if consumption be constant or has increased, then profits must be low.

7. **No evidence.**—It has been urged in some quarters that inasmuch as the bootlegger could produce illicit liquor cheaper than Government, he could reap high and tempting profits by selling his product even cheaper than Government liquor, at the same time increase consumption, without the consumer spending more than he did formerly. There was, however, no evidence that illicit liquor was actually sold in the Dry areas cheaper than Government liquor; on the other hand, evidence was unanimous that illicit prices were higher than licit prices, as was only to be expected from the nature of the traffic.

8. **For sale.**—Consumption under Prohibition may be equal to, or be more than, pre-Prohibition consumption if the illicit distillation was made at home for domestic consumption and not for sale. For, the cost of production of illicit liquor is very low, compared with the cheapest licit liquor. But the most knowledgeable witnesses insisted that illicit distillation was very largely for sale and for the high profits, and very little for domestic consumption. This view is understandable, because in the Dry areas illicit liquor has a monopoly, whereas in the Wet areas licit liquor has a competitor in illicit liquor. If the price of Government liquor in the Wet areas be raised beyond a certain level, illicit liquor tends to displace the former, as has been emphasised by the Nayudu Report and by the Excise Reports repeatedly. But in the Dry areas illicit liquor has no rival; it has a monopoly, and its price is a monopoly price, as high as the traffic would bear. Rising price may reduce the consumption of licit liquor in the Wet areas, but not the overall consumption, since illicit liquor would supplement the licit one. In the Dry areas, however, rising prices tend to reduce the consumption of the only available product, illicit liquor.

9. **Price v. Consumption.**—There is no evidence that among the drinking classes the income has kept pace with or outstripped the cost of living, or that they were spending a larger proportion of their incomes on the more expensive illicit liquor, or that illicit liquor was cheaper than licit liquor. It should follow, then, that the *consumption in the Dry era should, if only for economic reasons, have fallen, almost in inverse proportion to the rise in the price.*

10. **Respect for law.**—But economic factors are not final and conclusive. They are modified by social and other factors, such as the general law-abiding character of the people, including the consumers of liquor, particularly when they are sober. If economic factors were alone operative, there would be little or no consumption of licit liquor in the Wet areas, for illicit liquor is available and at much cheaper prices, with little fear of detection, according to some people. Nevertheless, consumption of licit liquor in the Wet areas has been increasing, in spite of rising price. The chief reason for it, as testified by a high administrative officer among others, was the *law-abiding character* of the consumers. They prefer to consume licit liquor at higher prices rather than illicit liquor at cheaper prices. There is no reason to suppose that the generality of consumers in the Dry areas are less law-abiding than their *confreres* in the Wet areas. Most people obey the law, even if they disapprove of it. Shri R. C. V. P. Noronha, I.C.S., was of the view that, of the former consumers, about 60 per cent obeyed the Prohibition Act because of their law-abiding character, and about 30 per cent did so for fear of law, and only about 10 per cent violated it.

Opinion was fairly unanimous that, of the total population of the State, apart from the aboriginal areas, only a small minority of between 5 to 10 per cent consumed liquor, and the great majority practised Prohibition because of social, and not legal, sanctions. Most of the small minority of consumers were casual and occasional drinkers, and not addicts who would drink in violation of the law. Shri Lala Jai Narayan, who has been in the liquor business for many years, was of the view that of the drinking section of the population, about 5 per cent were incorrigible addicts, about 25 per cent drank in and for the sake of company, and the rest drank only occasionally, on festive, religious and social occasions. Even among the wage-earners, it was generally only on pay days that they consumed liquor. It is unlikely that, exceptions apart, the people who consumed liquor only once a week on pay days or on occasional holidays and went without liquor on most days of the year, would consistently and persistently violate the law and consume illicit liquor to the same extent as they consumed licit liquor formerly. *It would seem more reasonable to conclude that both the high, almost prohibitive, prices of illicit liquor in the Dry areas and the general law-abiding character of the consuming class tend to reduce consumption of illicit liquor under Prohibition to a small fraction of the consumption of licit liquor before Prohibition.*

11. Officials' opinion.—The Inspector-General of Police, who is the head of the Department responsible for the enforcement of Prohibition, felt that there was a "considerable reduction" in consumption, though he could not be definite about it, or estimate the percentage of reduction. In reply to the question as to whether there was reduction in consumption or in the number of consumers since Prohibition, several Deputy Commissioners, some of whom were in charge of Dry areas and some had previous experience of Dry areas, though at the moment they were in charge of Wet areas, reported as follows: *Reduction* was reported by the Deputy Commissioners of Nimar, Hoshangabad, Bilaspur, Durg, Betul, Wardha, Yeotmal. *No reduction* was reported by the Deputy Commissioners of Balaghat and Akola. Bastar is a Wet aboriginal area. Its Deputy Commissioner, Shri R. C. V. P. Noronha, I.C.S., who had experience of Dry areas and of the Food Department for several years, gave a more detailed statistical estimate. He said that 90 per cent of the population did not drink at all; 5 per cent were casual drinkers who obeyed the law and gave up drink. Of the remaining 5 per cent, the great majority continued to drink. He estimated that the consumption of illicit liquor in the Dry areas was not more than 40 per cent of the pre-Prohibition consumption.

12. Mine's manager.—Mr. Andrews, Manager of the Manganese Mines in Mansar, a Dry area, who had experience of mine-labour both in the Wet and Dry areas, said that there was "considerable reduction" in drinking among his labourers. In the Wet days about 90 per cent of his labourers were drinking; in the Dry days not more than 20 per cent were doing so. He added that out of a labour force of about 1,200, about 50 to 60 were still consuming liquor, which would be a much smaller percentage. He said further that Prohibition was accepted, particularly by women, in his labour camp.

13. American parallel.—It will be interesting to compare Shri Noronha's estimate of Madhya Pradesh with that of Dr. E. M. Jellinck of America at the Yale University Symposium on Alcohol Problems in 1945. Dr. Jellinck said that of the population of 132 millions in the United States of America,

the population of the drinking-age, namely over 15 years of age, was about 100 millions. Of them, 50 millions consumed liquor, and 50 millions abstained from it. Of the abstainers, 17 millions did so because of their conviction, and 35 millions because of the Prohibition Act.

14. Considerable fall.—Shri Lala Jai Narayan, of Nagpur, who has been long in the liquor business, estimated that before Prohibition the consumption of licit liquor in Nagpur was worth between Rs. 12,000 to Rs. 15,000 per day. Since Prohibition the illicit consumption was worth between Rs. 8,000 to Rs. 10,000, a fall of about 33 per cent. The selling price of a bottle of illicit liquor was estimated by him as between Rs. 8 and Rs. 12. The Municipal Health Officer estimated it as between Rs. 8 and Rs. 14—more than double or triple the price of licit liquor. At this rate, the consumption would have fallen by more than 80 per cent.

15. American experience.—The Report of the Commission on the enforcement of the Prohibition Law in the United States of America (Wickersham Report of 1931), noted that "very large numbers of the people have consistently observed the law" (p. 22). The Commission commented on the relation between the price and the consumption of illicit liquor thus:

A fair index of the effectiveness of the enforcement is furnished by the prices at which liquor may be had in different localities. As to this, there is significantly uniform evidence that, while certain kinds of imported wines command high prices for a time at some spot, whisky of good quality is obtainable substantially anywhere at prices not extravagant for persons of means. It is true many cannot afford these prices, and for them a large amount of cheap, poor grade or even poisonous liquor is constantly produced and is in general circulation.

The evidence that we received was almost unanimous that, while country spirit, licit and illicit, was cheaper than imported foreign liquor consumed by the "upper ten", the illicit country liquor consumed by the great bulk of the consumers in Madhya Pradesh was more expensive and not cheaper than licit liquor, for the reasons already noted.

16. Dr. Herman Fieldman, in his book, *Prohibition: Its Economic and Industrial aspects*, (New York, Appleton, 1927), said:

Without being in any better position to state how much is being consumed today than are those who hold a contrary opinion, we have indicated our reasons for concluding that the mass of the people are not spending anything like the amount on drinks that they did when the saloon was the first place the worker visited or was forced into after work or after pay days. The effort to prove that the majority of the people are spending more on drink today than formerly is to us far-fetched (p. 375).

Dr. Fieldman concluded his observation on Prohibition in America, thus:

Everyone admits that there is much drinking going on today, and no one denies that the small group of wage-earners who insist on drinking as much as formerly have less money. But those whose observations are the widest—and this includes some authorities in the liquor industry itself—admit that many more people are spending less. This is the case under Prohibition for two reasons: Many people cannot afford the price of liquor and do not care enough about it to buy it; others make their

own alcoholic beverages themselves and are not under the same temptation to spend the much needed contents of their weekly pay envelop in the forgetful environment of the saloon. (Pages 381-382).

17. Paradox.—It would seem a paradox that rising prices of illicit liquor should tend to reduce consumption in the Dry areas, while rising prices of licit liquor should tend to increase consumption in the Wet areas. The explanations seem to be due to the financial policies followed by Government and the bootlegger. Government raises prices gradually and in homoeopathic doses, as it were, in order to ensure a steady and continuous rise in revenue; its policy is "to retain a customer rather than make a sale". On the other hand, the bootlegger, because of the illegal character of his trade, prefers to make a quick sale and a high profit rather than retain a customer and ensure steady and increasing revenue. Sudden and high fluctuations in prices in the illicit trade tend to reduce consumption, though yielding high but momentary profit.

18. Conclusion.—It may reasonably be concluded that, because of the general law-abiding character of the great bulk of the people, including the consumers of liquor, particularly when they are sober, and because of the high—almost prohibitive, prices of illicit liquor in Dry areas compared with the real income of consumers, the consumption of liquor in the Dry era fell very considerably as compared with the licit and illicit consumption in the Wet era, notwithstanding that there was a considerable rise in illicit consumption. For instance, if the overall consumption in the Wet era was 100 units, consisting of 90 units licit and 10 units illicit, the consumption in the Dry era was 20 units illicit. Illicit has doubled, but the overall consumption fell by 80 per cent.

CHAPTER III.—ILLICIT DISTILLATION

1. Increase in I. D.—Economic and social considerations referred to in the last chapter pointed to a great reduction in the consumption of liquor in the Dry areas since the Dry era. Witnesses, however, were practically unanimous that illicit distillation had greatly increased in the Dry areas since Prohibition, and some of them drew the conclusion that consumption had also increased, or at any rate, was not reduced. In the nature of the case, there can be no official figures of illicit disilled liquor. A suggestion was made that the Excise staff, the Police staff and the Excise contractors might be requested to estimate, as accurately as they could, the amount of illicit liquor consumed in the Dry areas. If the estimate thus secured came anywhere near the estimate made by adopting other methods, it may be accepted as fairly accurate. But no such enquiry was made.

2. I. D. in Wet era and area.—At the very outset, it may be noted that illicit distillation was no new phenomenon, created by Prohibition. Long before Prohibition was taken up for serious consideration and when the Excise policy alone was in operation, illicit distillation flourished to some extent. The Nayudu Report of 1937 said :

We are driven irresistably to the conclusion by these facts that during the last fifteen years the knowledge necessary for the manufacture of liquor has spread to all parts of the province and the malpractice has

now assumed such proportions that it is a serious menace to the control of consumption of country liquor in almost every district of the province. We are of the opinion that there is considerable illicit liquor in the province at present. (Page 16.)

When this was written Prohibition was in operation only in the sub-division of Damoh, since 1928. The Committee recommended the continuance of Prohibition in that sub-division. Elsewhere, there was only the Excise policy. The Committee attributed the "phenominal growth of illicit distillation" to the then Excise policy of the Government, particularly the gradual raising of the price of licit liquor and to economic depression.

3. **How much in Dry area and era.**—There cannot be the least doubt that Prohibition greatly stimulated illicit distillation. It was anticipated by the Government when the Prohibition Act was passed; the Honourable Mr. Gole said that he did not underestimate the difficulty or magnitude of the task of controlling illicit distillation. *The real question is whether the undoubted increase was such as to make up for the reduction in licit consumption.* Indeed, even when the areas were Wet there was some illicit distillation, and the real consumption was licit *plus* illicit. Has the illicit consumption in the Dry areas been equal to, or more than, or less than, the combined consumption of licit and illicit liquor when the areas were Wet?

4. **Detected cases.**—The Nayudu Committee of 1937 came to the conclusion that illicit distillation had assumed phenomenal proportions *solely by comparing the statistics of illicit distillation cases.* The Committee observed:

We have examined carefully the statistics of illicit distillation cases . . . and we have been forcibly struck by the evidence which these statistics afford of the spread of the malpractice slowly and steadily to all parts of the province. (Page 15.)

The Committee was, however, not sure that the increase in the number of cases necessarily indicated increase in illicit *distillation*. For, it observed:

An increase in the number of cases of detected illicit distillation may be due to a relative increase in this form of crime, or merely to greater and more successful activity on the part of the Excise staff, the total volume of crime remaining unaffected. (Page 13.)

5. **Comparative figures.**—The number of illicit distillation cases in the whole State, including the Dry and Wet areas, but exclusive of merged States, since 1930 was as follows:

1930	1931	1932	1933	1934	1935	1936	1937	1938	1939
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1,912	2,481	3,889	3,745	4,006	4,537	2,536	1,877	1,954	2,018
1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
2,800	3,219	3,065	3,738	3,727	4,523	4,738	4,702	4,957	6,374

The figures indicate great fluctuations in both decades. In 1935 and 1945 the figures were practically the same, though first was before, and the second after, the introduction of Prohibition. They touched the low in 1937 and the high in 1949. It was only since 1947 that the area under Prohibition

remained constant at the present level. There was a sharp rise of about 1,400 cases as between 1948 and 1949. The Akola district alone was responsible for an increase of about 800 cases, nearly double the number in 1948. *The provincial figures, which refer to both Dry and Wet areas, do not seem to indicate any striking correlation between Prohibition and the number of illicit distillation cases.* If there is any correlation at all, it may be between the number of cases and the Police activity.

6. **By districts.**—It has not been possible to classify the State figures as in the Dry and Wet areas, because the relevant figures are classified according to whole districts, while Prohibition was sometimes extended by subdivisions, tahsils and towns. It is only in districts which were wholly Dry or Wet that a comparison of cases in the Wet and Dry eras is at all possible. *Even such a comparison does not reveal any correlation between Prohibition and the number of illicit distillation cases.* In the Nagpur district, the number of cases was 413 in 1944 and 367 in 1945, in the Wet era; it was 365 in 1947, 701 in 1948, and 767 in 1949, a great increase in the Dry era. In Nimar, on the other hand, the number of cases in the Wet era was greater than in the Dry era. The highest number was 112 in 1945 before Prohibition; and the number fell to 10 in 1948 and rose to 15 in 1949. In Akola, the Wet era figures were 128 in 1937 and 90 in 1938. In 1939, the first Dry year, the number fell to 82 and then rose by pretty steep jumps; the number was 147 in 1941, 333 in 1945, 591 in 1946, 950 in 1947 and shot up to 1,731 in 1949. The increase was from 82 in 1939 to 1,731 in 1949. In the case of Amravati, on the other hand, the highest number in the Wet era was 278 in 1943; in the Dry era the number was 55 in 1948 and 13 in 1949.

7. **Wet districts.**—In the case of Yeotmal, which was Wet right-through, the number of illicit distillation cases was 131 in 1937; it rose to 640 in 1946 and fell to 435 in 1948 and to 459 in 1949. In Bhandara, another Wet district, the number was 107 in 1938, 261 in 1943, 173 in 1947 and 336 in 1949. In Balaghat the highest number was 244 in 1941 and the lowest was in 1948. In Jabalpur, another Wet district, the smallest number was 43 in 1939 and the highest was 142 in 1946; the number was 73 in 1948 and 96 in 1949. In Mandla, it was 89 in 1937, 454 in 1943, 171 in 1948 and 287 in 1949.

8. **No correlation.**—*Comparing the number of cases in the districts which were Wet right-through and in those which became Dry for various periods since 1937, there seems to be no correlation between Prohibition or Excise and the number of illicit distillation cases.*

9. **Not passable test.**—In any event, the number of illicit distillation cases detected gives no indication of the total number of offences committed or of the quantity of illicit liquor produced and consumed, either in the Dry or in the Wet area. *Nor does it enable us to estimate whether the increase in illicit consumption was large enough to make good the fall in licit consumption in the Dry area, since Prohibition.*

10. **Cottage industry.**—It has been urged in some quarters that illicit distillation had become a "cottage industry" and that about 60 per cent of agricultural labourers in rural areas were supplementing their regular incomes from illicit distillation, in order to balance their budgets and keep out of debt. If by "cottage industry" was meant that the process of distillation was simple and could be carried on for domestic consumption, like rice and

dhal, it is possible that a large majority of the people could indulge in it, not only in the Dry areas to defeat Prohibition, but also in the Wet areas to defeat Excise. Nevertheless, the consumption of licit liquor in the Wet areas has gone up, instead of practically vanishing. If, on the other hand, the "cottage industry" was run for sale and for profits, each producer must have several customers to make illicit distillation worthwhile. If a majority of the rural population was producing for sale, have it the necessary number of customers? If 40 per cent of the people were producers, and if each wanted at least five customers, there are not enough people in all to buy the liquor.

CHAPTER IV.—SMUGGLING OF COUNTRY SPIRIT

1. **State figures.**—Many witnesses affirmed that Prohibition was being defeated not only by illicit distillation in the Dry areas, but also by smuggling from the Wet areas situated both within and without the State. Here, again there could be no official figures of the amount of illicit liquor smuggled into the Dry areas from the Wet ones. The only official information that was available was the number of *smuggling cases detected*. The following are the figures for the whole State, including Dry and Wet, but exclusive of merged States:—

1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
273	285	414	487	625	451	549	489	311	297	455	549	347	280

NOTE.—In the text of the Excise Reports for 1948 and 1949, paragraph 32 in both, the Smuggling figures were 2,244 and 2,433, the corresponding figures in the *Imperial Statement VI* were 347 and 280, exclusive of the merged States, or 404 and 334 inclusive of the merged States.

It will be noticed that the number of smuggling cases was lowest in 1936 and highest in 1940, and low again in 1949. *There does not seem to be any correlation between the extension of Prohibition and the increase of smuggling.* While Prohibition was steadily extended from 1938 onwards, the smuggling figure was as low as 273 in 1936, as high as 625 in 1940 and came down to 297 in 1945, went up again to 549 in 1947 and again came down to 280 in 1949.

2. **District figures.**—As stated in the previous chapter, it has not been possible to classify the Smuggling cases as in Dry and in Wet areas and compare their numbers in Wet and Dry eras. This can be done only by certain districts. The number of cases in the Nagpur district was 1 in 1937, 56 in 1940, 3 in 1944 before Prohibition, and 105 in 1947 and 18 in 1948 and 32 in 1949 since Prohibition. In Wardha, the number was 1 in 1937 and 1938 before Prohibition. Since the introduction of Prohibition in 1939, it was 9, 13 and 11 in 1939, 1940 and 1941, respectively, and *nil* since then. In Akola, the number reached a maximum of 37 in 1939, the year of Prohibition, then fell to *nil* in 1947 and rose to 4 in 1949. In Chhindwara, a Wet district, the number was 3 in 1937, rose to 23 in 1938, fell to 5 in 1943, rose to 29 in 1938, fell to 5 in 1943, rose to 29 in 1948, and fell to 16 in 1949. In Mandla, another Wet district, the maximum was 88 in 1947, the number fell to 19 and 10 in the two subsequent years. It is not necessary to examine

in detail the fluctuations in other districts. *The district figures of Smuggling cases reveal no correlation with Prohibition; they are not less in the Wet than in the Dry areas and eras.*

3. **From low-duty to high-duty.**—Smuggling was not necessarily from the Wet to the Dry areas; there was smuggling within the Wet areas, from outstill to distillery areas, and from low-duty to high-duty areas. Statement VI (Imperial) of the Excise Report classifies smuggling cases under two categories: "From Foreign Territory" and "From outstill to distillery and low-duty to high-duty areas". By 'Foreign' was meant, not other districts within the State, but other States, as, for instance, Hyderabad and Uttar Pradesh. The second category was 'Local' within the State. The figures under the two categories for the whole State, including Dry and Wet areas, but exclusive of merged States :

—	1936	1937	1938	1939	1940	1941	1942
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Foreign ..	79	45	130	167	287	272	336
Local ..	194	240	284	320	338	179	213
—	1943	1944	1945	1946	1947	1948	1949
	(9)	(10)	(11)	(12)	(13)	(14)	(15)
Foreign ..	354	169	74	196	281	186	210
Local ..	133	142	223	259	268	161	70

It will be noticed that the 'Local' smuggling was often, and on the whole, more than the 'Foreign'. It would seem that the more potent cause of smuggling was the *price differential in licit liquor* in the Wet areas, which characterised the *Excise policy*.

4. **Wet to Dry.**—The classification of smuggling adopted in the Imperial Statement VI does not give information regarding the smuggling from the Wet areas to the Dry areas. Even if it did, it would not be conclusive, because the Statement VI takes the revenue districts as units, while Prohibition was partial in some districts.

5. **Prohibition v. Excise.**—*It would seem then that the number of reported cases of smuggling offers no basis for estimating whether, and to what extent, smuggling was due to Prohibition. It seems to be more often due to the Excise policy than to the Prohibition policy.*

6. **Smuggled licit liquor more expensive.**—If, as was stated in the last chapter, liquor illicitly distilled in the Dry areas was more expensive than licit liquor in the Wet era and, therefore, tended to reduce the amount of consumption, the price of smuggled liquor would be even more expensive because of the extra transportation charges from the Wet to the Dry areas, unless such consumption was limited to the border-strip between the Dry and Wet areas. Transportation charges would be higher whether liquor was transported from Wet to Dry areas, or the consumers were transported from the Dry to the Wet areas, and back. In so far as smuggled liquor was more expensive than locally distilled illicit liquor, it tends to reduce the consumption of the former even beyond the level of the latter.

7. **Smuggling for personal consumption.**—According to the Excise Reports, smuggled liquor was in most cases for personal use and only in a few cases for sale. In which case, the stimulation of consumption of

smuggled liquor for sale for high profits was not operative to the extent that it operated in the case of illicit distillation in the Dry areas, which was largely for sale for high profits.

8. Smuggling of licit and illicit liquor.—If the smuggled liquor was illicitly manufactured in the Wet areas, its cost of manufacture would be comparatively low. But if the smuggled liquor was licit liquor sold by Government in the Wet areas but not consumed locally and smuggled into the Dry areas, then its sale price would be the Government selling price *plus* the cost of transportation and the insurance charges against detection and consequent bribes and fines and imprisonment, and high profits.

9. Conclusion.—*It would thus seem that smuggling plays a smaller part under Prohibition than under the Excise policy, though it was undoubtedly stimulated to a slight extent on account of Prohibition.*

CHAPTER V.—LICIT LIQUOR

1. Smuggling of licit liquor.—It was suggested that, inasmuch as the consumption of licit liquor in the Wet half of the State in 1949 was more than the total consumption in the whole State before Prohibition, some of the liquor sold in the Wet half must have been smuggled into the Dry half and helped to defeat Prohibition there. It is possible, however, that the liquor sold in the Wet half was mostly consumed there and little was left to be smuggled into the Dry half, or there was a bit of both.

2. Comparative figures.—According to a Statement specially prepared by the Excise Department, the consumption, rather the issue, of licit liquor under the Contract Supply System in the State, exclusive of the merged States, was as follows:—

1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
(000 gallons)													
462	500	513	483	515	630	486	708	644	781	565	554	560	546

It will be noticed that, notwithstanding the introduction and extension of Prohibition in some areas since 1938, consumption in the diminishing Wet areas increased, though not evenly. It increased strikingly during the War years, when Prohibition suffered a "set-back", and it fell suddenly and pretty steeply since 1947, when Prohibition was re-enforced and on a wider area. Since then the area under Prohibition was constant, and the consumption fairly constant.

3. Not comparable.—Though the figures given above have been corrected in some respects for the purpose of comparison, they are not yet strictly comparable on account of several factors.

4. Contract-supply v. Outstill.—The figures refer to the Contract-supply system and not to the Outstill system, and the ratio between the two has not been constant. It may be added here that under the former system, liquor is manufactured in Government-controlled modernish and large distilleries, and its quantity is officially recorded. Under the Outstill system, prevailing mostly in aboriginal areas, there is no official record of production. Nothing

is known as to the quantity of Outstill liquor and if all of it was consumed in the Outstill area or if any of it was smuggled into the Contract-supply system area or the Dry area. If the area and the population under each of the two systems had remained constant, it would be permissible to compare the figures under the Contract-supply system from year to year. But they were not so. The population under the Outstill system varied as under :—

1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
19.0	5.5	2.6	2.6	2.9	5.1	27.9	27.9	29.5	26.3	22.6	16.3	15.0	15.0

The Outstill population varied from a minimum of 2.6 lakhs to a maximum of 29.5 lakhs. There has been partial conversion from the system to the Contract-supply system, which affected the figures of consumption. For instance, an area which was under the Outstill system in 1937 was converted to the Contract-supply system in 1938, thereby adding about 181,000 gallons to the consumption in 1938, with no corresponding consumption in 1937.

5. **Failure of supply.**—The comparatively large reduction from 630,000 gallons in 1942 to 483,000 gallons in 1943 was due to failure of supply and was exceptional. The consumption jumped to 708,000 gallons in the next year when the supply position improved.

6. **Other factors.**—The abnormal conditions created by the War and the Hyderabad Police Action, the influx of refugees, growing urbanization and industrialization, the increased use of alcoholic products in industries, and the varying seasonal and economic conditions have all influenced consumption in varying, but not easily calculable, degrees.

7. **Wet population.**—The population in the Wet areas was affected in two ways, and increase due to the normal growth of population and a decrease due to extension of Prohibition. According to the Special Statement prepared by the Excise Department, the net population in the Wet areas served by the Contract-supply system was as follows :—

1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
(Lakhs)													
142	143	135	121	123	122	100	101	101	105	69	76	78	79

Compared with 1937, the last pre-Prohibition year, the Wet population in 1949 was 55 per cent.

8. **Proportion of consumers.**—The proportion of actual consumers to the total population cannot always be presumed to be constant and be in direct proportion to the Wet areas. Witnesses stated that the consumers varied from five to ten per cent of the population. The incidence of consumers, however, varied according to the population was urban or rural, aboriginal or other. For instance, in predominantly aboriginal areas, a very high percentage of the population consumed liquor, while in areas like Sagar and Nimar, the proportion was very low.

9. **Ratio of consumption to population.**—With the materials and the time at our disposal, it has not been possible to make due allowances to each of the factors which disturb comparison and arrive at a more accurate review

of consumption. Subject to this handicap, it may be noted that the net Wet population in 1937, which means the whole State, was 142 lakhs and the consumption was 462 thousand gallons; in 1946, before the latest extension of Prohibition and its re-enforcement after the War, the Wet population was 105 lakhs and the consumption 781 thousand gallons; and in 1949 the population was 78 lakhs and the consumption 560 thousand gallons. If the 1937 population and consumption be taken as the basis for comparison, the populations and consumption in 1946 and 1949 were as follows:—

	1937	1946	1949
(1)	(2)	(3)	(4)
Population	100	74	55
Consumption	100	169	121

If the rate of consumption per head had been constant, the consumption in 1946 and 1949 should have been 74 and 55 per cent of that in 1937. As it was, it was much more. The fall in consumption was greater between 1946 and 1949 than in that of the Wet population.

10. Rate of consumption.—It is obvious that the rate of consumption per hundred of Wet population was not constant. According to the Special Statement of the Excise Department, the consumption per hundred of population in the Wet areas was as follows:—

1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
(In gallons per year)													

3.25 3.49 3.81 3.98 4.17 5.14 4.84 6.98 6.37 7.41 8.19 7.25 7.13 6.90

It will be noticed that the rate was lowest in 1937, highest in 1947 and fell from it in 1950. Even so, the rate in 1950 was double that of 1937.

11. District rates.—The range of variation between districts in the same year, and between years in the same district, was even greater. For instance, in the Nagpur district, the rate was 4.01 in 1940 and 8.36 in 1945. In the Nimar district it was 0.67 in 1937 and 5.20 in 1945. In the same year, 1937, the rate was 0.67 in Nimar and 7.83 in Betul. In 1948, the maximum was 36.52 in Chanda and the minimum was 0.21 in Mandla.

12. Normal consumption.—The range of variation being so wide, it is difficult to say which rate was the normal, so as to estimate the surplus available for smuggling into the Dry areas. If the ratio of 3.25 of 1937 be taken as the normal or saturation point, the licit liquor issued in the Wet half of the State in 1949 was enough not only to meet the normal or saturation consumption in the Wet half, but also in the Dry half, and still leave over a balance. There would be no need for illicit distillation in the Dry half at all. If the normal rate be taken as 8, there would be no surplus in the Wet areas in 1949 available for smuggling into the Dry areas. Illicit distillation must meet the whole of the local demand in the Dry areas.

13. Increase in rate normal.—It would seem however, that, even as the population increased normally, consumption also increased, and it had not reached the saturation point in 1937. Apart from it, the Excise Reports presumed a correlation between consumption of liquor and economic conditions, and not so much between it and population. Given better economic conditions, good monsoons and good crops, consumption would go up. The

same population would consume less under 'adverse economic conditions. Dr. Herman Fieldman, in his book, "Prohibition", said of America as follows :—

Contrary to popular impression, the consumption of alcoholic beverages was not declining before Prohibition, but increasing faster than population, as shown by the fact that the *per capita* consumption of distilled spirits, beer and wine was markedly higher a few years before Prohibition than at any time in the present century. This means that we have not reached the saturation point in saloon expenditure (pp. 382-383).

14. Smuggling and revenue.—The Finance Secretary estimated that Prohibition in half the State had resulted in a loss of about Rs. 2 crores of revenue to Government and that if Prohibition was called off, the present Excise revenue would increase by that amount. As has been noted above, the consumption of country spirit in 1949 was 560 thousand gallons. The Excise revenue that year was Rs. 2.23 crores. If the incidence of taxation and the Issue Price remained constant, the consumption of country spirit (and other Excise articles) will have to be practically doubled to double the current revenue. If, however, nearly half the licit liquor sold in the Wet half and on which revenue has been collected, was being smuggled into the Dry areas and consumed there, then, it would follow that, if Prohibition be withdrawn, there would be no material increase in consumption and revenue. If today 100 units were sold and consumed in the Wet half and paid 100 units in revenue, then, if Prohibition be withdrawn in the Dry half, another 100 units would be sold in the Dry half and be consumed there, and give another 100 units of revenue. But if the 100 units of liquor, which paid 100 units of revenue in the Wet half already, was not all consumed there but 50 units, on which revenue has been paid, was smuggled into the Dry areas and consumed there already, the lifting of Prohibition would not double consumption and revenue, but merely legalise consumption, now illegal, in the Dry area, and Government was not losing revenue on account of Prohibition.

15. Conclusion.—Though there is reason to believe that Prohibition in half the State had stimulated smuggling to some extent from the Wet to the Dry half, it was not on a large enough scale to make any difference to Prohibition in the Dry half. Consumption had increased in the Wet half, and had not crossed the saturation point.

CHAPTER VI.—TODDY

1. Extension of Prohibition.—Along with country spirit, toddy also was prohibited in certain areas from the 1st January 1938. In Wardha and Akola districts it was prohibited from the 1st October 1938, in advance of country spirit which was prohibited in these districts from the 1st January 1939. Prohibition of toddy was further extended along with country spirit in 1940 and 1946.

2. Comparative consumption.—The consumption of toddy in the whole State in thousands of gallons was as under:—

1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
638	690	653	490	534	632	588	756	838	800	844	365	362	330

3. **Fall in consumption.**—It will be noticed that there was a sudden and big fall from 844,000 gallons in 1946 to 365,000 gallons in 1947 and 330,000 gallons in 1949. The Excise Report attributed it to Prohibition in the Dry area, and also in some cases to enhanced selling rates as the Wet area of Chhindwara. There was an increase in several of the Wet districts like Bhandara, Chanda, etc., which means a greater fall in the Dry areas.

4. **Causes of fall.**—In 1948 there was a small fall, due partly to Prohibition. In Jabalpur, a Wet district, but for Katni, there was a larger fall of about 12 per cent, due to quite a number of domestic servants of Military Officers having left the station. In some other districts there was a rise due to cheaper rates. In 1949 there was a further fall in consumption, due mainly to higher selling rates.

5. **More than proportionate.**—Compared with 1937 the population and consumption in 1949 were 55 and 48. *It would seem that the reduction in consumption bears more than a due proportion to the reduction in the consuming population.*

6. **Illicit traffic.**—According to the Excise Reports the number of offences was very insignificant. The witnesses that appeared before the Committee made no significant reference to illicit tapping or smuggling of toddy worth examining. The Excise Reports do not give particulars of consumption according to districts, as they do for country spirit. Nor was such information supplied to the Committee. It has not been possible, therefore, to discuss if the consumption of toddy in the Wet districts was more than the saturation level and if there was reason to believe that the surplus was being smuggled into the Dry districts.

7. **Conclusion.**—*It may be presumed that with respect to toddy, Prohibition seems to have worked effectively.*

CHAPTER VII.—FOREIGN LIQUOR

1. **Status of foreign liquor.**—The status of foreign liquor is somewhat different from that of country spirit or toddy. The Prohibition Act itself exempted Military Personnel and non-Asiatics from the operation of the Act for a time. It empowered Government to exempt individuals and institutions from one or more of the provisions of the Act. Government made special rules, called the Central Provinces and Berar Foreign Liquor Rules, 1938, regarding foreign liquor only. Rule 7 authorised the grant of permits to individuals, whose social and economic status and habits and integrity of character warranted it, to possess for personal consumption a limited quantity of foreign liquor. No similar permits have been either contemplated or granted for country spirit or toddy. In consequence, their consumption was illegal in the Dry areas. But under the permit system, there can be, and there has been some legal consumption of foreign liquor. It is necessary, therefore, to estimate the legal consumption of foreign liquor, and then enquire if and to what extent its illegal consumption was taking place, and if the increase in illegal consumption was equal to the prohibited consumption.

2. **Consumption in Dry area.**—Curiously enough, the Excise Reports make no mention of the number of permits issued or estimate the quantity of foreign liquor consumed by the permit-holders. The latter is not easy

to arrive at because the permit authorises the holder to possess not more than six bottles a month. But whether he consumed the full quota or not is not known to the Department.

3. **Permits.**—Information regarding the number of permits issued was kindly furnished to the Committee for the years 1946 to 1950, but not earlier. The figures for the years are as under :—

1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)
189	181	405	443	534

It will be noted that, with the full approval of Government, the legal consumption in Dry areas has been going up since 1947 when Congress Swaraj Government displaced the foreign Section 93 Government. Assuming that each permit-holder consumed his maximum quota, the consumption in bottles would be as follows :—

1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)
13,509	13,032	29,160	31,896	38,448

The consumption very nearly tripled since 1946.

4. **Comparative consumption.**—The consumption in the whole State, Dry and Wet, of foreign liquor, namely, imported spirits, wines and malt liquors, as well as Indian-made spirits and malt liquors as given in Imperial Statement No. IV of the Excise Reports, was as follows :—

	1937	1938	1939	1940	1941	1942
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(In hundreds of gallons.)						
Imported spirits	36	30	39	45	49	45
Wines	6	5	10	11	11	18
Imported malt	243	271	400	418	371	231
Indian spirits	15	12	13	19	32	72
Indian malt	448	324	240	311	485	350
Total	748	642	702	804	948	716

	1943	1944	1945	1946	1947	1948	1949
(1)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
(In hundreds of gallons.)							
Imported spirits	58	06	186	131	73	44	36
Wines	22	14	20	22	10	5	4
Imported malt	47	74	887	602	267	117	124
Indian spirits	117	139	173	145	83	56	61
Indian malt	462	500	702	212	91	6	7
Total	706	833	1,968	1,112	524	228	232

5. **Reduction.**—It will be noted that all these beverages rose to their maximum consumption in 1945 and 1946 and then fell suddenly and steeply in 1947 and 1948. Compared with 1937, the Wet population in 1949 was 55 per cent and the consumption was 31 per cent, indicating a more than proportional reduction in consumption.

6. **Causes.**—The Excise Report for 1946 stated that the decline in the consumption of foreign liquor in that year was due to the reduction in the Military personnel and to the extension of Prohibition from the 1st October 1946. The same explanation was repeated in the Report for 1947. The decrease in 1948 was also due to the withdrawal of facilities for consumption to non-Asiatics and to Military personnel.

7. **Nagpur.**—The consumption in the Nagpur district in 1937, 1946 and 1949 of foreign liquor in gallons was as follows :—

	1937	1946	1949
(1)	(2)	(3)	(4)
Imported spirits	1,186	5,777	95½
Wines	182	1,011	91
Imported malt	10,171	17,759	1,809
Indian spirit	281	5,732	1,052
Indian malt	8,440	5,323	26

Prohibition was introduced in 1948. The consumption in 1949, after the introduction of Prohibition, was very much lower in four items, and slightly more in the case of the fifth. On the whole, there was a net fall, and a considerable one at that, notwithstanding that the number of permits rose from 48 in 1946 to 288 in 1949 and 301 in 1950.

8. **Wardha.**—Wardha was under Prohibition since 1939. The consumption in gallons was as under :—

	1937	1946	1949
(1)	(2)	(3)	(4)
Imported spirits	51	562	85
Wines .. ..	..	..	3
Imported malt	301	3,742	369
Indian spirit	2	1	55
Indian malt .. ..	..	117	..

Except in the last item, the consumption in 1949 was higher than in 1937. The number of permits was 8 in 1946 and *nil* in 1949.

9. **Chanda.**—The consumption in Chanda, a Wet district, was as follows :—

	1937	1946	1949
(1)	(2)	(3)	(4)
Imported spirits	66	55	145
Wines	11	7	11
Imported malt	307	18	223
Indian spirit	8	158	136
Indian malt .. ..	..	113	24

10. **Illicit trade.**—The Committee received no evidence either from the Department or from the witnesses as to whether there was any illegal manufacture, smuggling and consumption of foreign spirit in the Dry areas, and if so, the extent thereof. It may be noted that there was not a single detection of violation of the permit system in the Dry areas. If detection be the measure of violation, there was no violation of the permit system, and to that extent, Prohibition may be said to be a complete "success". We will return to this matter later on. *Here it can be said that there was a very large overall reduction in the legal consumption of foreign liquors, and that, unlike country spirit and toddy, the permit system allowed some legal consumption of foreign liquors in the Dry areas.*

CHAPTER VIII.—OPIUM

1. **Opium-smoking.**—Opium-smoking was prohibited by the Opium-smoking Act of 1929. Life-permits seem to have been issued to the then addicts, and no new permits were issued. In course of time, when the last permit-holder dies, prohibition would be absolute. The Excise Reports recorded that the number of opium-smokers was 10.2 per ten thousand of the population in 1929 and 4 in 1940. In 1949 the number, inclusive of the merged States and the refugees, fell to 2.5. No evidence was tendered as to the effectiveness of this Prohibition.

2. **Gradual reduction.**—Even before the All-India Opium Conference in August 1949, the Madhya Pradesh Government were committed to the gradual prohibition of opium consumption, except for medicinal and scientific purposes. Addicts, who could not be expected to give up the habit, were however permitted a definite quota every month, which was periodically and progressively reduced with a view to achieving ultimate Prohibition. At the All-India Opium Conference referred to above, it was agreed that opium consumption, except for medicinal and scientific purposes, should be extinguished all over the Indian Union within ten years or earlier, by progressive annual reduction of ten per cent or more. India and Madhya Pradesh are committed to the absolute Prohibition of opium consumption by 1960 at the latest, irrespective of administrative and financial considerations.

3. **Differential treatment.**—In the meanwhile, since 1948, opium consumption was prohibited in all areas in which the consumption of liquor was prohibited by the Prohibition Act of 1938, as the Government had reason to suspect that some consumers were substituting opium for liquor. Thus, in the Dry areas under the Prohibition Act, country liquor and toddy were absolutely prohibited; foreign liquor was prohibited, subject to permit for a limited but constant quota; and opium was prohibited, except for permits to addicts subject to a diminishing quota.

4. **Comparative consumption.**—The consumption of opium in the whole State, exclusive of merged States, was as follows:—

1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
(00 seers)													

98	92	81	68	66	68	69	68	74	78	90	71	52	45
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As compared with 1937 the consumption in 1949 was 53 per cent and in 1950 46 per cent, while the population in the Wet areas was 55 per cent. The fall in consumption seems to be more than proportional to the Wet population. It should be noted, however, that some of the legal consumption was in the Dry areas under the permit system. No separate figures were made available of the legal consumption in the Dry areas.

5. **Illicit consumption.**—It is difficult to estimate if and to what extent illicit consumption has made up for the fall in the licit consumption.

The cultivation of poppy was prohibited in the State, but there is no information as to its effectiveness. Before the merger, several of the neighbouring Indian States were cultivating poppy and preparing opium. Since the merger, control over production is likely to be more effective. But opium is easier to smuggle than liquor, and the profits much more tempting.

The number of detected cases of smuggling for the whole State, Dry and Wet, was as under:—

1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
88	44	73	81	101	86	107	58	134	186	147	134	65	..

Separate figures for the Dry and the Wet areas were not available. The figures for the whole State fluctuated before 1948, when Prohibition was introduced and since then they fell rather steeply. It is not, however, possible to estimate the number of offences or the quantity of illicit opium. *All that can be said that the cases were not fewer before Prohibition and more after.* It is likely, however, that the quantity of smuggled opium was much larger than the number of cases warrant. It is said that opium-eaters find it almost impossible to give up the habit, and as time goes on, they need larger, rather than smaller, doses. The policy of gradual and periodic reduction in the ration permitted to addicts seems, therefore, somewhat unwise. It would perhaps be better if life-permits were issued to addicts as on a particular day and the list closed, as in the case of opium-smokers.

6. Price differential.—Further, the price policy of Government, the great difference between the cost price and the selling price, is a great temptation for the illicit trade. The cost price to Government of a seer of opium in 1949 was Rs. 40, and the selling price was between Rs. 450 and Rs. 1,280. Illicit traffic can be effective only to the extent that control over production is effective.

7. Propaganda.—While there was some official propaganda by the Public Health Department against the use of opium to drug infants while their mothers were at work, there was no propaganda, official or non-official, against opium consumption as such.

CHAPTER IX.—HEMP DRUGS

1. Comparative consumption.—The policy regarding hemp drugs was more or less the same as that of the opium. The licit consumption of hemp drugs was as follows:—

1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
(00 seers.)													
173	170	161	160	152	172	254	291	285	306	316	126	122	107

Consumption rose fairly steadily till 1947, when it reached its peak. Then, since Prohibition, it fell suddenly and steeply. But compared with 1937, the consumption in 1949 and in 1950 was 70 and 60 per cent, while the Wet population was 55 per cent. It was partly due to hemp drugs taking the place of other intoxicants which were more difficult to get, or more expensive. Further, the feeling against hemp drugs is not as keen as against other intoxicants.

2. Illicit consumption.—The licit consumption was supplemented by illicit consumption, but the latter is difficult to estimate. Ganja is cultivated by the State in the Nimar district. There is some illicit cultivation also, as

cases of such offences indicate. There is smuggling. The number of offences was as follows :—

1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
559	670	797	766	862	647	643	703	884	945	884	904	984	..

The figures fluctuate and do not disclose any definite trend. The figure for 1946, before Prohibition, was 945, which is slightly higher than 904 in 1948, since Prohibition. In any event, the number of detected cases gives no measure of the number of offences or the quantities involved.

3. **Price differential.**—The price policy of Government is a great temptation to the illicit traffic. In 1949, the cost price of ganja was Rs. 3 per seer and the selling price was Rs. 160 to Rs. 320. The cost price of bhang was Rs. 2 per seer and the selling price was Rs. 60 to Rs. 125. Hemp drugs are easier to smuggle and the profits of the illicit traffic temptingly high.

CHAPTER X.—MALPRACTICES

1. **Offences.**—The second term of reference runs as follows :

Whether it has given an impetus to malpractices such as illicit distillation and smuggling and consumption of deleterious substances.

Witnesses were unanimous that Prohibition had given an impetus to illicit distillation and smuggling and to the consumption of deleterious substances and substitutes. The evidence was largely *a priori* and qualitative. But, as we have pointed out already, the essence of our enquiry is quantitative, for there was illicit distillation and smuggling even before Prohibition, and even now in the Wet areas under the Excise policy.

2. **Detected cases.**—An increase of offences was expected when the Prohibition Act was passed. It would not, therefore, be surprising if it did. But the only factual evidence that was available was the number of detected cases of illicit distillation and smuggling. And that was the only basis which the Nayudu Committee had in 1937.

3. **In Dry and Wet areas.**—The number of detected cases, as shown already does not indicate that the cases were fewer before Prohibition and more after, and more in the Dry and less in the Wet areas.

4. **Cases and offences.**—It was suggested by several witnesses, including the enforcing authorities, that the number of cases detected was a very small proportion of the number of offences committed; some said that it was no more than one per cent. But the same would apply before Prohibition as after, and in Wet areas as in Dry areas now. The Nayudu Committee reported that even in 1937, when there was no Prohibition except in the small sub-division of Damoh, illicit distillation had reached phenomenal proportions, had gone beyond control and had spread to all districts. We had given reasons why the consumption of illicit liquor was less, considerably less than the consumption of licit *plus* illicit liquor in the pre-Prohibition era.

5. **Deleterious.**—It was said by a number of witnesses, including experts, that illicitly distilled liquor was deleterious to the health of the consumers, more deleterious than Government liquor and that its consumption in the

Dry areas was so much the worse for the consumers. But no results of scientific analysis of local samples of illicit liquor were made available to the Committee. No systematic analysis seems to have been made either. Some witnesses read out extracts from books, which dealt with the products in other countries and which testified to the deleterious character of the illicit distilled liquors there. It would have been more helpful if similar researches had been made here and the results published in scientific journals, and the same produced before the Committee.

6. Licit liquor.—Most of the evidence regarding the deleterious nature of illicit liquor was *a priori* and given by people who had not themselves consumed it or suffered from such consumption. They also added that even the licit liquor manufactured under Government auspices was not free from deleterious characteristics; it contained fusel oils, etc.

7. Not noticed.—Illicit liquor was no new phenomenon, provoked by Prohibition and confined to Dry areas. Long before Prohibition was introduced in 1938, illicit distillation was a major problem to the Excise Department and Government. The Nayudu Committee reported in 1937, before Prohibition, that illicit distillation had assumed phenomenal proportions and had spread to all districts and had become a serious menace to the control of consumption. It obtains in the Wet areas today. Yet, neither the Excise Department nor the Public Health Department seems to have been aware of the *deleterious character of illicit liquor*. The Excise Reports record every year that the Public Health Department was doing some propaganda against drugging of children with opium, but not against illicit liquor consumption. There was undoubtedly international pressure against the consumption of opium, and it is possible that the Public Health Department in Madhya Pradesh took action, more because of it rather than of its independent conviction that opium consumption was deleterious to health. In India there seems to be less feeling against opium than against liquor.

8. Neglect or uncertain.—The inaction of the Public Health Department in the matter of illicit liquor may be due to the view that the local product of illicit distillation was not, if at all, as deleterious, as is now made out, or it was due to gross and inexcusable neglect. Similarly, the Public Health Department does not seem ever to have noted the deleterious nature of even Government liquor, either because it did not think it serious enough, or think of it seriously enough.

9. Scientific test.—It is highly desirable that local samples of both licit liquor and illicit liquor should be scientifically examined, and the results awaited before reaching any finding on the subject. It should be possible to improve, if necessary, the licit liquor immediately, since it is under State supervision.

10. Inadequate evidence.—No evidence was either invited or tendered as to the deleterious character, if any, of toddy, opium and hemp drugs or foreign liquor, imported or made in India, or malpractices connected with them. Some information was furnished by the Department regarding the consumption of certain articles like rectified spirit, tinctures and other medicinal preparations containing alcohol, but it was not enough to estimate the normal consumption in the whole State before and after the introduction of Prohibition, the normal and legal consumption in the Dry areas and the

diversion to illegal and *mala fide* consumption in the Dry areas. The Committee are concerned with the overall situation in the Dry areas, and not with the situation in one or two cities.

11. Substitutes.—Evidence was unanimous that some persons were consuming tinctures and other medicinal preparations as substitutes for liquor. There can be no doubt that this is true, but it is not clear whether the consumption of substitutes was equal to or exceeded the reduction in the consumption of licit liquor. In making any estimate, it will be necessary to take into account the alcoholic content of the substitutes and reduce it to the same denomination as liquor, as so many gallons London-proof. For the overall consumption is the consumption of the licit *plus* illicit *plus* the substitutes, all reduced to the same denomination, before and after Prohibition. In the absence of such information, there is no warrant for giving any finding of a *quantitative* character.

12. Malpractices under Excise.—Malpractices are not peculiar to Prohibition; they obtain under Excise also. As the Revd. Herbert Anderson said in his "*Excise Administration in Bengal, 1921*" it was universal experience that "the drink traffic does not postulate character whether in vendors or drinkers, and that if swindling can give additional profits, swindling will take place". One of the evils of the system, of auctioning the right to sell liquor and other Excise articles is overbidding by contractors who in consequence have often to become "scoundrels" to recoup the investment, and practice all kinds of frauds in their inebriate customers, including the adulteration of Government liquor with cheaper and perhaps more deleterious, illicit liquor and substitutes. Indeed, there is hardly a malpractice under Prohibition which does not obtain under Excise, and equally so.

CHAPTER XI.—DISREGARD FOR LAW AND CORRUPT PRACTICES

1. Disregard of Law.—The third and fourth terms of reference were as follows :

Whether, and if so how far, it has contributed to the disregard of law in general;

Whether, and if so how far, it has led to corrupt practices.

Evidence was unanimous that Prohibition had contributed to the disregard of law in general and to corrupt practices. It was also unanimous that Prohibition was not the only law that had done so. It was not, however, clear as to how far Prohibition alone contributed to these factors.

In the absence of a more comprehensive study, the following figures of offences taken from the Reports of Judicial Administration (Criminal) and quoted in the Majority Report, may be examined :—

Type of offence	1938	1947	1948	1949
(1)	(2)	(3)	(4)	(5)
Contempt of lawful authority.	325	1,516	1,329	629
Excise Act	3,115	3,920	4,753	5,898
Prohibition Act ..	..	4,881	5,965	6,801
Police Act	4,015	7,084	12,022	12,02
Local and Special Laws	28,548	53,898	65,678	74,64

The Reports noted that the fall in the first category in 1948 and 1949 was due to special efforts to control *goondas*. Apart from that, it would appear that in all the categories there has been a striking increase of offences since 1938, and even since 1947. The increase was not special to Prohibition alone. The increase between 1947 and 1949 was 51 per cent under Excise, 40 under Prohibition, 70 under Police and 40 under Local Acts. *The offences under the Excise and Prohibition Acts were comparatively fewer than under the other Acts. It is more significant that the increase under the Excise Act was higher than under the Prohibition Act. As far as these figures go, Prohibition seems to be the least violated, less than Excise.*

2. Prohibition least violated.—To arrive at the quantitative contribution of Prohibition to the disregard of law in general and to corruption, it will be necessary to make a comparative study of all the other laws which have a similar tendency. No such study has yet been made.

3. The statistics of detected cases against the Prohibition Act have, as, was stated already, no correlation with the number of offences, much less to Prohibition. They have even less correlation with the imponderable value like respect for law in general. The offences against the Excise Act in Wet areas were not less than the offences against the Prohibition Act in the Dry areas. If violation of the Prohibition Act contributed to the disregard of law in general, the violations of the Excise Act and other laws did the same, and perhaps more so. If the former added to corruption, the latter had done the same. In so far as the offences against the Prohibition Act were less than those against the Excise Act, the latter might be said to be the worse of the two. As will be seen later on, the Government, by its own enforcement policy, contributed not a little in promoting disrespect for the Prohibition Law.

4. Corruption.—While the Prohibition Act and the Excise Act concern at most ten per cent of the population, the food and cloth controls, the export and import controls, the health laws and the anti-Untouchability laws, to mention a few, concern practically the whole population. It is common knowledge that violations of these are even greater than the violations of the Prohibition Act. If an estimate, however rough, be made of the total amount of violations of the laws operative in Madhya Pradesh, and their contributions to the disregard of law in general and corruption, it may well be discovered that the contribution of the Prohibition Act is much too insignificant to deserve any notice. Indeed, it may be hard to make a list of laws, the administration of which has not contributed to corruption and to disregard of law to some extent or other.

5. Prohibition v. Other Laws.—Shri A. D. Gorwala, an acknowledged expert, in a recent speech in Bombay, said, among other things, that the common people have been driven to the conclusion that business was synonymous with dishonesty, that corruption had become a commonplace, and that Chambers of Commerce and Trade Associations had never passed resolutions to denounce tax-evasions, whereas individual dodging was taken for granted. The Inspector-General of Police, Madhya Pradesh, said that most of the other laws were evaded to some extent or other, and Prohibition law was just another law which was also evaded, but there was no special case for its repeal for that reason. In his opinion, the only difference between Prohibition law and other laws was the voluntary surrender of Excise revenue under Prohibition.

6. **Prohibition v. Anti-Untouchability.**—Indeed, it is very desirable that a thorough investigation should be made, preferably by a Commission appointed by the Government of India, as to the number of laws that are being violated with impunity and the extent thereof. It may be found that Prohibition would not top the list. If Prohibition deserves to be repealed on this ground, anti-Untouchability Article in the Constitution itself may have to be repealed.

CHAPTER XII.—GENERAL IMPROVEMENT

1. **Divided and qualitative.**—The fifth term of reference runs as follows :

To enquire whether it has resulted in any improvement of the economic, social and physical conditions of the drinking classes, and whether the general standard of living has been in any way affected, and if so, how far?

The evidence on the subject was divided and highly qualitative.

2. **Not long enough.**—Prohibition has been operative since 1938 in comparatively small and scattered areas in the State. It may be said, therefore, that it has been in operation for over 12 years and that it was a long enough period to show results regarding the economic and social conditions of the people affected and the standard of living. Perhaps a longer period is necessary to show the results of Prohibition on physical conditions of the people concerned.

3. **"Set-back" in War time.**—Hardly was Prohibition in operation for a year when the War broke out and India was involved in it. Prohibition received a "set-back". Even otherwise, it is not easy to distinguish the effects of Prohibition from those of War factors. Prohibition was taken up again in 1946. For all practical purposes, therefore, it has been in operation for only three years, which is too short a period to disclose any tangible general improvement. Further, the area under Prohibition was not a compact one, but consisted of dry islands in wet seas, as it were, which makes the assessment of social and economic conditions attributable to Prohibition even more difficult.

4. **Annual surveys recommended.**—The Public Health Committee, appointed by the Government of India with Sir Joseph Bore as Chairman, in 1943, recommended that annual surveys should be made before and after the introduction of Prohibition of its effects on the addicts and on their dependents and the results assessed. The pre-Prohibition survey would then act as the basis for comparison. But no such survey has been made.

5. **Local surveys.**—The Excise Report for 1939 referred to an economic survey of the effects of Prohibition in the Akot taluq in Akola district made by two students of Economics under the guidance of the late Mr. A. C. Sen Gupta, I.E.S., then Principal, Morris College, Nagpur, in 1939. But a copy of the Report was not made available to the Committee. A second survey was made by some students of the Sakseria College of Commerce, Wardha, under the leadership of Principal S. N. Agarwal in 1950. But the area covered was so small that no general conclusions can safely be drawn from it.

6. **Disowned appreciation.**—The Annual Reports of the Excise Department repeated high appreciation of the physical, moral, social and economic benefits that had flown from Prohibition. But as has been stated already, these appreciations were heavily discounted by most of those who were responsible for them.

7. **Socio-economic enquiry.**—With the facilities available to the Committee, it has not found it possible to make a detailed and intensive enquiry into the matter. Without such an enquiry it would be highly undesirable to express any definite opinion. It may be recalled that the Nayudu Committee of 1937, which was concerned with Excise policy only, said :

The extent of the loss in revenue due solely to the operation of the policy is a matter on which we find it impossible to express an opinion in view of the various other factors which, as we have explained above, operate simultaneously.

The assessment of the socio-economic results of Prohibition is far more complicated than of Excise revenue. We suggest that an enquiry be undertaken with the help of trained Economists and Statisticians, as was done by the Madras Government recently.

CHAPTER XIII.—INDUSTRIAL LABOUR

1. **Small minority.**—The sixth term of reference runs as follows :

To ascertain what effect, if any, it has had on the efficiency and well being of labour in the industrial areas.

At the outset it may be noted that the drinking population formed a small minority of the total population of the State, except in the aboriginal areas. Of the drinking minority, the number of industrial labour is a smaller minority, though the relative proportion of those among them who drink is perhaps larger than in rural areas.

2. **Absenteeism.**—The Labour Commissioner was inclined to the view that Prohibition had reduced absenteeism in Nagpur, a Dry area. It was as under :—

Year	Percentage of absenteeism	
	Day shift	Night shift
(1)	(2)	(3)
1945 (Wet era)	20.75	34.15
1950 (Dry era)	17.64	22.03

The Bengal-Nagpur Cotton Mills, Rajnandgaon, a Wet area, reported that drinking was one of the causes of the high absenteeism of 16 per cent by day and 26 per cent by night.

3. **Health and efficiency.**—The Labour Commissioner had received reports to say that the general health of the labouring classes, who were mostly addicted to drink in pre-Prohibition days, had definitely improved since Prohibition. Though the economic conditions of the textile workers had improved, it was doubtful if it was not due more to higher wages than to Prohibition. The efficiency curve had risen in the early days of Prohibition but had since fallen. He was, however, uncertain to what extent Prohibition

was responsible for either. His own observations had shown that Prohibition had improved the general atmosphere of labour colonies; drinking and rowdiness were common in front of liquor shops in the pre-Prohibition days, but they had practically disappeared since.

4. **Shri Butta.**—Shri Butta of the Empress Mills, Nagpur, a Dry area, did not think that Prohibition had improved the economic conditions of the workers, perhaps because it synchronised with shortage of food and soaring prices. While there was a slight improvement in attendance, it could not be ascribed to Prohibition.

5. **Shri Andrews.**—Shri Andrews, Manager of the Manganese Mines at Mansar, a Dry area, was quite sure that Prohibition had helped in keeping discipline among the labourers and reduced the prospect of a resort to violence during labour troubles. He had experience of mining labour in both Dry and Wet areas, and he felt that labour was inclined to be more reasonable in the former than in the latter. There was less absenteeism in the Dry area and era. It fell from 35 per cent to 15 per cent since Prohibition. The women among the labouring classes generally favoured Prohibition.

6. **Some good and no evil.**—Even with respect to the comparatively small urban industrial labour, opinion was not unanimous regarding the effect of Prohibition. In the case of the great bulk of the drinking classes, as in the case of most social groups, social phenomena are the resultants of a complex of forces and factors, and it is not easy, without elaborate investigation, to ascertain the results attributable to Prohibition. If any opinion be permissible at all, we are inclined to the view that Prohibition had at least improved the social conduct of the ex-drinkers, and done them some good and no harm.

CHAPTER XIV.—JUVENILE DELINQUENCY

1. **Corrupting Juveniles.**—The seventh term of reference ran as follows :

To examine what effect, if any, it (Prohibition) had on juveniles and juvenile delinquency.

Several witnesses said that Prohibition had increased juvenile delinquency in the sense that children were employed to fetch illicit liquor for their parents, that they were, as it were, initiated into the habit of violating the Prohibition law and that the habit coloured their whole outlook towards the law in general and that in some cases, they also consumed illicit liquor when they were still comparatively young and otherwise innocent.

2. **More general than Prohibition.**—No statistical information was forthcoming from official sources on the subject. There can, however, be no doubt that children were being used by their parents in violating the Prohibition Act as well as the Excise Act. But here again, the Prohibition Act is not unique or singular. Children are employed in many trades and businesses, such as grocery stores. In many of them malpractices and offences, such as the use of false measures, under-weights, adulteration and down-right cheating are practised on a pretty extensive and unconscionable scale. Adulteration is perhaps the largest single industry in India. Exceptions apart, the prevailing philosophy seems to be to make more money, not by better service, but by successful cheating. Children are early initiated into this philosophy and its practice. The contribution of Prohibition and Excise to juvenile delinquency can, at best, be insignificant, compared with other factors.

3. **Juvenile consumption.**—It was suggested that Prohibition encouraged the consumption of liquor by children because it was clandestinely brought to the homes and consumed there, instead of at the grog-shops. It is possible. But there is no reason to believe that even under the Excise policy such an evil was absent. Further, there is often some discipline at home which is absent in the grog-shop. The wife and the rest of the family are there to check, while they are absent in the grog-shop. Almost everybody agreed that in a great majority of cases men drank but not women and children and that even in homes where the adults drank, children were known to be successfully forbidden. When, for instance, men smoke at home, the women and children do not necessarily smoke.

4. **On v. Off premises.**—It was advocated by some experienced witnesses that in the Wet areas adults should not be permitted to consume liquor in the shops but to take it home in sealed bottles when they were still sober, and consume it in their homes under the critical eyes of the family. Perhaps both types occur : children joining in drinking or the family acting as a check on children's drinking. It is not possible to give a quantitative basis for this qualitative statement.

CHAPTER XV.—FINANCIAL ASPECTS

1. **Financial objections.**—The eighth term of reference runs as follows :

What effect, if any, it has had on the general financial position and inflationary pressure.

Many witnesses were very critical of the financial aspects of Prohibition : the surrender of Excise revenue from the Dry areas and the imposition of fresh taxes to make up the "loss". Some qualified it by saying that if Prohibition had been a success, they would not have minded the loss of revenue and the fresh taxes. They were, however, certain that Prohibition had failed. Some others were opposed to fresh taxation on the ground that it had reached the saturation point, and inasmuch as Prohibition was the cause of the new taxes, they were opposed to Prohibition itself. They would not have minded Prohibition, if it did not lead to new taxes. Some others felt that many social service institutions, educational, medical and recreational, were not receiving adequate Government grants because of the loss of revenue, which was surrendered by the State in favour of the bootlegger, and which might have been better utilised by the State in promoting educational, public health and similar desirable projects.

2. **Sales tax.**—The new tax that was most criticised was the Sales tax. It was a tax which was rather ubiquitous; it was not a tax which was paid once a year, and forgotten in between; it had to be paid almost every day and on a variety of things and was felt constantly. Its frequency was more felt than its incidence.

3. **Minister on "Loss".**—Regarding the financial aspects of Prohibition the Honourable the Minister, who introduced the Bill on the 7th December 1937, said :

"Let us reflect coolly for a moment and consider what exactly it is that we stand to lose and whether, if we are honest in our convictions, we should not be prepared to face the loss, be it on account of Prohibition

or be it on account of temperance. If temperance succeeds more rapidly than its advocates imagine or dare hope for, the effect on revenue is almost exactly the same as it will be if immediate Prohibition is enforced. Liquor revenue will vanish, and the more complete the success of temperance, the quicker will be loss of revenue. But this is not all. Is there in reality a loss of revenue? We raise revenue to spend it on the betterment of the tax-payer himself, and what better object could we find to spend it on than on the improvement of the conditions of life of the poorer sections of the community such as constitute the majority of the drinking classes? If we eradicate this drink habit, we increase their hard-earned wages for their womenfolk and children—wages that are now largely wasted on a poison that fuddles their brain, impairs their efficiency and not infrequently makes them callous and quarrelsome brutes What greater relief can we give them than the relief that Prohibition will bring them from the indirect taxation that the revenue from drink constitutes? Sooner or later the bread that we cast on the waters will come back to us in the form of additional revenue or reduction in expenditure that we have to incur to combat disease and distress among the poorer classes. I realise that it will be sometime before we secure this dividend and that in the meanwhile we must face squarely the problem of making up the temporary gap in our revenue. We are determined to face it, and shall find the money either by effecting retrenchment to the best of our power or by devising measures of taxation that will not affect the poorer classes of the community."

4. **Temperance v. Prohibition.**—The surrender of Excise revenue is implicit in Prohibition policy, but not necessarily the imposition of fresh taxation, as the Minister pointed out. His argument that the loss of revenue due to successful temperance would be almost exactly the same as the loss due to Prohibition was, however, overdrawn. Even the maximum of temperance postulates a certain minimum consumption and revenue, while maximum Prohibition postulates no consumption and no revenue.

5. **Loss in Dry v. Gain in Wet.**—We may examine the results of Prohibition on the finances of the State. It may be recalled that the Prohibition Act was passed in 1938 and was applied to a part of the State and not the whole State. The last extension of Prohibition was in 1946. Even then, about half the State was still Wet, contributing to the Excise revenue of the State. At each extension of Prohibition a certain surrender of revenue was anticipated. According to Statement A in the Excise Reports, the Excise revenue in 1937 was Rs. 65.91 lakhs. The revenue in 1937 of the areas which came under Prohibition in 1938 was about Rs. 3.5 lakhs. The actual Excise revenue in 1938 was Rs. 63.74 lakhs, a reduction of Rs. 2.7 lakhs only. The reduction due to Prohibition in the Dry area was partly made up by increase in the revenue from the Wet areas. The extension of Prohibition in 1939 involved a surrender of about Rs. 6 lakhs, as compared with 1937. The actual revenue in 1939 was Rs. 56.10 lakhs as against the actual revenue of Rs. 65.91 lakhs in 1937, a fall of Rs. 9.81 lakhs, while the fall attributed to Prohibition was only Rs. 6 lakhs. There were apparently other causes for the larger reduction. The further extension of Prohibition in 1940 involved a surrender of Rs. 8.46 lakhs since 1937. The actual Excise revenue in 1940 was Rs. 56.69 lakhs, a fall of Rs. 9.22 lakhs since 1937, as against Rs. 8.46 lakhs attributable to Prohibition. It was further extended in 1946, involving a surrender of

Rs. 45.50 lakhs in the year 1946-47. The Excise revenue in 1945 was Rs. 232.94 lakhs; it was Rs. 238.04 lakhs in 1946, an increase of Rs. 5.10 lakhs as against an anticipated decrease of Rs. 45.50 lakhs. The revenue in 1937 was, as we have seen, Rs. 65.91 lakhs; it was Rs. 218.59 lakhs in 1949, though nearly half the State was Dry. *It would appear, then, the increase in revenue from the Wet areas more than made up for the surrender due to Prohibition in Dry areas.*

6. Liquor revenue.—Country liquor has been the largest single source of Excise revenue and perhaps the most affected by Prohibition. The revenue from it was Rs. 31.60 lakhs in 1936; Rs. 160.96 lakhs in 1946; and Rs. 152.33 lakhs in 1949, in spite of lengthening Prohibition.

7. Budgets and actuals.—A comparison between the Budgets and the actuals of Excise revenue would indicate whether the anticipated fall in revenue, due in part at least to Prohibition, was realised or not. The following are the Budgets and actuals, kindly furnished by the Finance Department:—

Year			Budget	Actuals	Difference
(1)			(2)	(3)	(4)
			T. Rs.	T. Rs.	T. Rs.
1935-36	..	..	59,96	60,22	+0,26
1936-37	..	..	61,54	63,80	+2,26
1937-38	..	..	66,43	67,36	+0,93
1938-39	..	..	63,60	63,82	+0,22
1939-40	..	..	58,34	57,37	—0,97
1940-41	..	..	56,04	60,68	+4,64
1941-42	..	..	60,00	66,60	+6,60
1942-43	..	..	63,78	78,07	+14,29
1943-44	..	..	75,88	1,19,08	+43,20
1944-45	..	..	1,18,65	1,88,18	+69,53
1945-46	..	..	2,13,26	2,44,42	+31,16
1946-47	..	..	1,70,90	2,24,25	+53,35
1947-48	..	..	1,81,35	1,98,66	+17,31
1948-49	..	..	1,64,86	2,18,93	+54,07
1949-50	..	..	2,09,07	2,23,61	+14,54

8. Increase, not decrease.—The fact that the Budget-year was not the same as the Excise-year and that Prohibition was not always introduced or extended at the beginning of the Excise-year makes the figures for the several years not exactly comparable. Making some allowance for it, it will be noted that the Budgets for each of the years 1938-39, 1939-40 and 1940-41 provided for a fall in Excise revenue, as compared with the Budgets for the previous year, due largely to Prohibition. The actuals, however, exceeded the Budgets, except in 1939-40 by a small amount. The actuals of 1941-42 was slightly in excess of the Budget of 1937-38, the last pre-Prohibition year. The Budget for 1946-47 anticipated a fall of about Rs. 42.36 lakhs as compared with the Budget for 1945-46 but the actuals rose by Rs. 53.53 lakhs. In 1947-48, the Budget anticipated a rise of Rs. 10.45 lakhs instead of a fall due to extension of Prohibition. The actuals showed a rise of Rs. 17.31 lakhs. In 1948-49, instead of a budgetted fall of Rs. 16.49 lakhs, the actuals rose by Rs. 54.07 lakhs.

9. **More than made up.**—Further, it will be noticed that every year, except 1939-40, the actuals exceeded the Budget anticipations, in spite of progressive loss of revenue due to extension of Prohibition. *The expanding revenue from the contracting Wet areas more than made up for the contracting revenue from the expanding Dry areas.*

10. **Inflation v. real revenue.**—It was suggested that the phenomenal increase in Excise revenue was due to inflation, and was not 'real' revenue. But this criticism applies to all items of revenue and expenditure and not only to Excise revenue. The Finance Secretary was good enough to furnish the Annual General Price Index, taken from the Reserve Bank of India Bulletin. Reduced by the Price Index, the Excise revenue was as follows:—

Year				Money revenue	Price Index	Real revenue
(1)				(2)	(3)	(4)
				T. Rs.		T. Rs.
1939-40	..	..	..	57,37	1,00	57,37
1947-48	..	..	..	1,98,66	3,08	64,50
1948-49	..	..	..	2,18,93	3,76	58,23
1949-50	..	..	..	2,23,61	3,85	58,08

The real revenue was slightly more, in spite of the fact that nearly half the State was Dry and yielded no revenue. *It would seem that Prohibition created no gap in real revenue that needed to be filled by other taxes.*

11. **No gap to fill.**—According to the Finance Secretary, no new taxes were levied solely to make good the loss due to Prohibition. They had other purposes also. The Sales tax on motor spirits and lubricants was enhanced in 1939-40, and again 1947-48, and the Entertainments tax was enhanced in 1947 and the General Sales tax was levied in 1947-48 partly for the purpose of filling the Prohibition gap. *As was shown above, at the time these taxes were levied or enhanced, there was no gap to fill.*

12. **Prohibition taxes.**—Though there was no gap at the moment of levy, the new taxes were apparently levied to make up the anticipated gap when Prohibition was extended to the whole State by 1950, as was then contemplated. The receipt from the General Sales Tax constitutes the great bulk of the revenue shown under "Other Taxes and Duties", in the Budget. The revenue under this head and that under Excise in 1936-37, the last pre-Prohibition year, in 1946-47 and in 1949-50 and the total revenue of the State were as follows:—

Tax				1936-37	1946-47	1949-50
(1)				(2)	(3)	(4)
				T. Rs.	T. Rs.	T. Rs.
Total Revenue	..	..	..	4,71,43	11,87,56	19,60,05
Excise	..	..	..	63,80	2,24,25	2,23,61
Other	..	..	..	..	27,15	2,58,04

Even if the whole of the Excise revenue be wiped out now by the State-wide extension of Prohibition, the revenue from "Other Taxes and Duties" would more than fill the gap. *In so far as fresh taxes were levied with a view to filling the gap when Prohibition was extended to the whole State, they have no justification if it be not intended to carry out the purpose*

13. Moral obligation.—The Honourable Shri P. S. Kumaraswami Raja, the Chief Minister, Madras State, said that the Madras sales tax was imposed on the guarantee that total Prohibition would be introduced, and that his Government was morally bound by that pledge (Madras Information, October 1949, page 7). In Madhya Pradesh there seems to be a moral obligation to do one of two things : either extend Prohibition to the whole State and retain the sales tax and other taxes; or retain Prohibition as it is and repeal the Prohibition taxes. To retain Prohibition taxes and not extend Prohibition can only be defended on the ground that the extra revenue was needed, not to fill an anticipated gap due to State-wide Prohibition, but to meet extra expenditure unconnected with Prohibition.

14. Enforcement.—Some witnesses were of the opinion that the cost of enforcing Prohibition would be prohibitive and that, therefore, Prohibition should be called off. According to the Finance Secretary, the expenditure incurred in the Police Department in 1949-50 on account of Prohibition was about Rs. 2 lakhs, but since that date the Prohibition expenditure was merged in that of the Police Department. No information was made available regarding the extra expenditure attributable in subsequent years to Prohibition in the Police Department or in the other departments of Government, like Jails, Hospitals, etc.

15. No additional expenditure.—According to the Finance Secretary, the expenditure on the Police Department was as follows:—

1937-38	1938-39	1939-40	1940-41
(1)	(2)	(3)	(4)
T. Rs.	T. Rs.	T. Rs.	T. Rs.
61,03	59,33	59,27	59,48

In spite of extra expenditure of about Rs. 2 lakhs on account of Prohibition in 1939-40, the total expenditure in that year was slightly less than in the previous year 1938-39. Either the Police expenditure was merely classified and Prohibition did not involve any additional staff and expenditure, or there was retrenchment elsewhere to make up for the additional expenditure.

16. Prohibition work.—The Excise Department had very little to do with Prohibition; it was almost wholly engaged in the work connected with the Excise Act and the sales tax and other revenue-producing taxes. No appreciable part of its expenditure may legitimately be charged to Prohibition.

17. No saving.—Every year new laws are passed which add to the work which the Police are called upon to administer, but it does not seem that a proportionate addition is made to the Police staff every year. High Police officers have stated that they had to administer a great number and variety of laws which the legislatures turned out non-stop every year, and that the Police staff available was inadequate to enforce them all equally effectively, and that some laws, like the Indian Penal Code, claimed priority over other laws like the Prohibition Act. It may be said that the Prohibition Act was not the only law, or the most important law, which the Police had to administer, and that the staff did not increase in direct proportion to the increase in the work of the Police, and that the saving in work, staff and expense if Prohibition were abolished would not be appreciable.

18. No reduction of work.—As has already been pointed out, illicit distillation and smuggling were the major offences not only under the Prohibition Act but also under the Excise Act, and that these offences were not necessarily less in the Wet areas and areas than in the Dry. The repeal of Prohibition is not likely to reduce the overall quantity of work involved in controlling the offences, but only group them all under Excise Act, rather than classify them under the Excise Act and the Prohibition Act. It is unlikely that the repeal of Prohibition would reduce to any appreciable extent the expenditure involved in controlling offences, whether the work is done by the Excise staff alone or by the Police staff alone or by both. Whether the State can afford the staff and expense necessary to effectively control illicit distillation and smuggling has relation not to the Prohibition Act alone, but also the Excise and other laws. Indeed, if only the Indian Penal Code should be enforced hundred per cent, not to speak of the great many other laws, the Police or other enforcing force will have to be multiplied many times, which may strain the financial resources of the State to the breaking point.

19. Union direction.—The Committee was also asked to estimate the effect of Prohibition on inflationary pressure. It would appear that the Government of India had advised the Madhya Pradesh Government against any extension of Prohibition lest it should add to the current inflation.

20. Inflation.—The questions connected with inflation are so complex and complicated that, not being expert economists, we hesitate to express any definite opinion of the effect of Prohibition on inflation. Subject to this reservation, it may be said that inflation, broadly speaking, arises when the equilibrium between money and goods is upset, due to the supply of money overstripping the supply of goods in demand. If, as some critics would have it, Prohibition had failed in the sense that illicit consumption had taken the place of licit consumption and that the consumers were paying higher prices for illicit liquor than they paid for licit liquor, and that the supply of illicit liquor was plentiful because of the high profits it fetched, it would follow that a larger proportion of money than formerly was being spent on liquor which was not in short supply, and that, therefore, less money was available for other goods in short supply. It is only if we assume that Prohibition had materially reduced consumption of illicit liquor, the only liquor available in Dry areas, then it would follow that money formerly spent on Government liquor, which was not in short supply, was being diverted to spending on other goods.

21. Drink bill.—It would be necessary to estimate the amount of money so diverted and also the goods on which the diverted money was spent and the relative scarcity of such goods. No reliable statistics were available to the Committee on these factors. The Excise Report for 1939 estimated that the area then under Prohibition had fetched a revenue of Rs. 6 lakhs in the last pre-Prohibition year and that the liquor bill of the consumers was Rs. 8 lakhs, or 33 per cent more than the revenue. The corresponding figures for 1940 were Rs. 8.46 lakhs and Rs. 11.28 lakhs, and 33 per cent. The Finance Secretary estimated that if Prohibition was withdrawn, the extra revenue would be about Rs. 2 crores. The drink bill would then be about Rs. 2.6 crores. According to Dr. Natarajan, the national income of Madhya Pradesh Province in 1929-50 was Rs. 558.8 crores. It is not known how much of this was saved and how much was spent. A saving of Rs. 2.6 crores due to Prohibition forms a very small fraction of the total expenditure of the people in

the State and was not likely to have any appreciable effect on inflation. But it is doubtful if this can form a sound basis for any conclusion, for granting that Rs. 2.6 crores represents substantially the drink bill in the Dry areas that must have been diverted to other goods, we do not know definitely what proportion the drink bill formed of the total expenditure of the drinking people. It was estimated differently by different people. The estimate varied from 1 to 2.5 per cent of the income (Mahalanobis Report, 1941-42, page 48) to 15 per cent (Prof. Dadachanji) and 25 per cent by others. Even if Prohibition had been a complete success and the whole of the former drink bill had been diverted, it is doubtful if the inflationary effect of it would amount to more than a ripple.

22. Rationed articles.—In the case of articles of consumption rationed by Government, both the quantity and price were fixed by Government. Except to the extent that rationing regulations were evaded or defeated, it was unlikely that Prohibition had added to the inflationary pressure due to the consumption of rationed articles.

23. Entertainment.—Quite a number of witnesses said that cinemas and other places of amusement were being increasingly patronised by the former drinking classes, which, incidentally is an admission that some people who drank liquor formerly were not doing so since Prohibition and were, therefore, able to spend on cinemas. The receipts from the Entertainments tax gives some measure of the patronage. They were as follows:—

	1945	1946	1947	1948	1949	1950
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	T. Rs.	T. Rs.	T. Rs.	T. Rs.	T. Rs.	T. Rs.
Receipts ..	9,82	12,59	21,78	26,16	28,59	28,84

The Entertainments tax was enhanced from the 1st April 1947, and the sudden rise in the revenue since then was in part due to the enhanced tax, and not solely to increase in patronage. No adequate and reliable evidence was available as to the extent of the patronage by the former drinking persons, as to whether cinemas and other places of entertainment were in short supply, whether the cinema proprietors had raised the prices of tickets of admission, and whether and to what extent the patronage of ex-drinkers had added to the inflationary pressure.

24. Gambling.—It was also stated by witnesses that ex-drinkers were taking increasingly to gambling. Whatever be the moral aspect of it and of the effect on individuals, such diversion of moneys from drink to gambling was not likely to add to the inflationary pressure, as facilities for gambling do not seem to be in short supply. If the winner has more money to spend on goods in short supply, the loser has less, taken together, there is no change.

25. Taxes anti-inflationary.—In so far as taxation is anti-inflationary, the Entertainments tax and the Sales tax are themselves anti-inflationary, while they raise the prices to the consumers. Since 1938 the Madhya Pradesh Government levied several taxes solely as anti-inflationary measures, such as the surcharge on court-fees and stamps in 1944-45, enhancement of the rates of registration fees of money-lenders in 1949-50, and the enhancement of the tax on trades, professions, etc., in 1949-50. The enhancement of the Entertainments tax in 1949-50 had as one of its objects the fight against inflation.

26. Prohibition taxes—anti-inflationary.—The general sales tax, though it had no such avowed object, also acted as an anti-inflationary measure. Critics of Prohibition have urged that, if there had been no Prohibition, the money that drinkers spent on Government liquor which was not in short supply, would have to that extent relieved the demand for other goods in short supply, and relieved inflation. As it is, the sales tax and the entertainments tax are doing the same; perhaps better. If the excise tax is anti-inflationary, the sales tax and other Prohibition taxes are also anti-inflationary; they reduce the money in the hands of the consumers which they might otherwise spend on goods in short supply. Prohibition might have possibly added to inflation, if there had been no Prohibition taxes to mop up the released purchasing power.

27. Not inflationary.—Remembering once again that some of us on the Committee may not venture where Economists fear to tread, *it may be said broadly that Prohibition, coupled with the Prohibition taxes, had not added to the inflationary tendencies in the country.*

28. Burden of taxes.—Several witnesses pleaded that taxation had become crushing, that it had reached the saturation point and that any additional taxes would be ruinous, and pleaded that Prohibition should not be extended to the whole State, as it would involve further surrender of revenue and fresh taxes, and that Prohibition should be withdrawn, so that Excise revenue might increase. They urged that the Prohibition taxes like the sales tax should be withdrawn or the excise revenue *plus* the revenue from Prohibition taxes should be used to promote social services in the Province, and in any event, no fresh taxes should be imposed for any purpose, and certainly not for the extension of Prohibition.

29. Saturation point.—We shall be going beyond the competence of some of us if we ventured to express an opinion whether the incidence of taxation in the Madhya Pradesh had reached the saturation point, by which we mean that any increase in incidence of taxation would decrease the revenue. We shall only note that many of the witnesses who asserted that saturation point had been reached or even exceeded, modified their assertion when saturation was thus defined.

30. Comparative incidence of taxation.—According to Dr. B. Natarajan, the Economic Advisor to the Government of Madras, 10.38 per cent of the national income of the Union of India was collected from the people as public revenue, whereas in the United Kingdom, the corresponding percentage was 32.12 in 1948. The tax revenue alone in India was about 8.17 per cent of the national income, while in England it was 41.7 per cent and in the United States of America 24.6 per cent, in South Africa 19.7 per cent and in Sweden 18.9 per cent (National Income and Expenditure of India, pages 86 and 88).

31. Incidence of taxes in Madhya Pradesh.—With regards the Provinces or States, Dr. Natarajan said :

Only a small fraction of the national income goes into the public sector in the provinces. The share of the provincial revenue in each rupee of the national income has fallen in seven provinces (since 1939) from 8.2 to 6.7 pies in Madras, from 9.9 pies to 8.9 pies in Bombay, from 5.8 to 5.7 pies in Central Provinces (*ibid* page 37).

It amounted roughly to about 3 per cent of the national income and was less in Madhya Pradesh than in Bombay or Madras. Since the tax-payer in Madhya Pradesh has to pay not only the State taxes but also the Union taxes, the total burden on him was, according to Dr. Natarajan, about 10 per cent as against higher percentages in other countries like England and America. It is more than we can say whether this incidence of taxation can be said to have reached or surpassed the saturation point. In any event, the saturation point can be known definitely only when the Law of Diminishing Returns becomes operative.

32. Prohibition—No financial handicap.—Whether fresh taxation be necessary or not for meeting increased and approved expenditure on defence and development, there does not seem to be any need for any fresh taxation on account of State-wide Prohibition. In Madras the receipts from the sales tax alone has nearly filled the gap created by the total extinction of excise revenue. If in Madhya Pradesh in recent years private social service institutions did not get the grants that they deserved or desired, it was not because of loss of revenue due to Prohibition.

33. State-wide Prohibition possible.—*In conclusion, it may safely be said that Prohibition, as operative in the Madhya Pradesh today, has not adversely affected the financial position of the State or added to the inflationary pressure. If the Prohibition taxes, like the general sales tax, are retained and improved, Prohibition may safely be extended to the whole State, without any financial handicap to the State.*

CHAPTER XVI.—ENFORCEMENT

1. Views on enforcement.—Some witnesses, including some very high officials, advanced in the view that the Prohibition Act was, in its very nature, unenforcible; some others took the view that the administration did its best to enforce the law, within the limits of its resources in personnel and finance; while yet some others took the view that the administration did not do its best since it lacked interest in, and enthusiasm for, Prohibition, and was only anxious to collect more revenue.

2. Enforcibility.—In view of the inclusion of Prohibition in the Directive Principles of the Indian Constitution, it would seem somewhat of a reflection on our "Founding Fathers" to plead that it was not *per se* enforcible. When the Central Provinces Prohibition Act was passed in 1938, anticipating the Indian Constitution, as it were, presumably the then Government thought that the law could be enforced, at any rate, as well as many other laws, notwithstanding the scepticism of the Nayudu Report and perhaps of the then administrative officers.

3. Enforcement in dry and wet areas.—The enforcement of the Prohibition Act involved the control of smuggling and of illicit distillation and the manufacture of prohibited articles in the dry areas. The enforcement of the Excise Act also involved the same. For, as we have already seen in earlier chapters, smuggling and illicit distillation were not special to Prohibition, but were common to both the dry and wet areas and eras, and were not necessarily less in wet than in dry areas and eras. If it be possible to control smuggling and illicit distillation in the wet areas under the Excise Act, there was no reason why the same could not be controlled in the dry areas under the Prohibition

Act. Both the Acts stand or fall together. To suggest that the Prohibition Act is *per se* unenforceable and should be repealed, and that the Excise Act is enforceable and should be extended, seems somewhat contradictory and unconvincing.

4. **President Hoover on Enforcement.**—Whatever that may be, as long as the law was on the statute book, it was the duty of the administration to enforce it loyally and zealously. The duty of the administration was well put by Mr. Herbert Hoover, when, as President of the United States of America, he said in his message to the American Congress :

My own duty and that of all executive officials is clear—to enforce the law with all the means at our disposal without equivocation or reservation.

5. **Official v. Non-Official.**—It was suggested by some witnesses that for the enforcement of the Central Provinces Prohibition Act the then Government had placed greater reliance on non-official workers than on the administration. In introducing the Prohibition Bill on the 7th December 1937, the Honourable Mr. P. B. Gole had said that to achieve the purpose of the Bill Government would rely “not so much on our administrative machinery but on the active co-operation of non-official workers”. But he had also said :

It will not be enough to direct against illicit distillation and other excise crime all the resources of the State and of enlightened public opinion, but we shall also have to endeavour to eradicate the root cause of the drink evil, to which illicit distillation panders, by improving the social conditions of life among the drinking population and showing them a better way of life.

Mr. Gole would use, not only non-official co-operation, but also the full resources of the State, and do something more, which would again depend largely on State action. It is, therefore, relevant to examine if the Government had done its best, with all the means at its disposal and without reservation or equivocation.

6. **Designation.**—It may be noted that the Minister in charge of the Prohibition Act continued to be called the Excise Minister and not the Prohibition Minister. The Excise Commissioner was given the additional designation of Prohibition Commissioner in so far as he was to administer the Prohibition Act. But in the main, he remained the Excise Commissioner. A change in the designation of the Minister and the Commissioner would have given due recognition to the very fundamental change in the excise policy of the Government, from Excise to Prohibition, and struck the imagination of the people and the administration as well.

7. **“Also ran”.**—The Administration Report continued to be called the Excise Report, and not the Prohibition Report. Prohibition was given a paragraph in what was essentially the Excise Report. Comparative information regarding the legal consumption of prohibited articles in the dry areas, and the number of offences in the dry and wet areas was not classified and was not made readily available in the body of the Report. Prohibition seems to have been given the status of “also ran” !

8. **Official propaganda.**—When the Prohibition Act was enacted in 1938 it would appear from the Annual Report of the Excise Department that both the Honourable Minister for Excise as well as the Excise Commissioner

addressed several mass meetings in different districts. In 1939, when Prohibition was extended, the Honourable Minister and the Excise staff undertook propaganda. In 1940, Government employed seven Propaganda Officers. Then came the war and a "set-back". Instead of Government carrying on propaganda in favour of Prohibition, they relaxed their interest. In any event, it was not expected that Section 93 Government, with its hands full with the war effort and the internal political situation, would be able to pay any attention to Prohibition. When the Congress Ministry returned to power in 1946, Prohibition was revived and extended. The Honourable Minister himself undertook an extensive propaganda tour. There were, besides, the paid Prohibition propagandists. In 1948 the paid staff was discontinued, and the work of propaganda handed over to the Adult and Social Education Scheme. The same arrangement continued in 1949. There was, however, no reference to any propaganda tours undertaken by the Minister and the Prohibition Commissioner in the cause of Prohibition.

9. **Police.**—Enforcement of Prohibition law was entrusted almost from the beginning to the Police Department with the object of greater efficiency in enforcement. A special staff of a Deputy Superintendent of Police, 6 Sub-Inspectors, 12 Head Constables and 24 Constables was employed from the 1st April 1940 in the Akola district. But in 1941 the Special Deputy Superintendent of Police was withdrawn, and the rest of Special Police force amalgamated with the ordinary Police. But as this arrangement was not found satisfactory, a special staff consisting of a Deputy Superintendent, an Inspector, 22 Sub-Inspectors, 45 Head Constables and 154 Constables was appointed in 1946. It was discontinued in 1950 as an economy measure. As already noted, the "Excise staff did little in comparison with the Police as they were engaged more in the Sales Tax work". (Excise Report for 1948.)

10. **Police report, some success.**—The annual Administration Report of the Police Department for 1946 said that "Prohibition was reasonably enforced in the dry areas", but full public support, without which full enforcement was impossible, was not forthcoming. The Report for 1948 said that the "Entire responsibility for enforcing Prohibition devolved on the Police. In spite of this, the scheme met with some success and the poorer classes of people were saved from squandering their hard-earned money on drinks".

11. **Expenditure on Prohibition Police.**—As has already been noted, the extra cost of the Special Police in 1939-40 was about Rs. 2 lakhs, but it did not add to the total expenditure on the Police as it was less in 1939-40 than it was in 1937-38, instead of being more. It would seem that, without increasing the total Police force, some of the then existing personnel was told off for this special duty of enforcing Prohibition.

12. **Obligation to assist Enforcement.**—The Prohibition Act laid responsibility on officials of all departments and of all local bodies and village officials, and landholders to give information and assist in enforcing the law. This obligation seems to have been practically ignored, and no action seems to have been taken in the matter. High Police and other administrative officials testified that most of the subordinate staff either committed offences or connived at them. If the commission of the offences was so extensive, it was surprising that the higher administrative officers did not take adequate and deterrent action, or were unable to do so.

13. **Rewards for information.**—Though it was the accepted practice to reward informations of offences, the amounts of rewards came down from Rs. 33,600 in 1947 to Rs. 19,200 in 1949, while the fines collected rose from Rs. 1,72,000 to Rs. 2,41,000. The following statement gives the fines collected, the rewards paid, the proportion of rewards to fines, and the rewards paid to the Police, the Excise and non-official informers :—

Year	Fines	Rewards	Ratio	Excise	Police	Informers
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Rs.	Rs.		Rs.	Rs.	Rs.
1936	75,700	32,400	42	10,200	11,100	11,100
1937	49,700	31,200	62	8,100	15,100	7,900
1938	50,800	24,700	49	7,900	9,500	7,300
1939	56,000	27,500	49	9,600	8,800	9,100
1940	65,300	26,800	43	8,600	8,400	9,700
1941	61,700	27,500	44	..	..	..
1942	59,900	25,800	43	..	..	..
1943	80,900	23,200	28	..	..	..
1944	1,05,800	26,500	25	..	..	..
1945	1,40,500	24,200	17	8,100	9,600	6,500
1946	1,52,200	32,300	21	11,800	12,000	8,400
1947	1,71,900	33,600	19	13,500	11,600	8,100
1948	2,16,700	23,500	9	10,200	7,500	5,900
1949	2,41,000	19,200	8	8,000	6,200	4,900

14. **Fines as revenue.**—It will be seen that a decreasing proportion of the fines were spent on rewards and an increasing proportion was treated as a source of revenue to the State. Of the money spent as rewards, the Police and the Excise staff got the bulk and the non-official informants got the least. If a larger proportion of the fines had been given as rewards, particularly to non-officials, enforcement of Prohibition and Excise might have been better.

15. **Cinderella.**—Some high Police officers said that, from the point of view of enforcement, the Prohibition Act was defective in certain respects, and that the staff was inadequate. No evidence was forthcoming that the attention of Government had been drawn betimes to the defects of the Act or the inadequacy of personnel, much less of any legitimate representations having been made to Government to remedy the handicaps. Nor was there evidence that the Police gave any significant priority to Prohibition in their activities, partly because of other and more pressing demands of their time and attention, and partly because of their lack of interest in enforcing Prohibition. It would be doing no injustice to the administration if it be said that it treated Prohibition as Cinderella.

16. **Inter-State Conferences.**—No periodic conference seems to have been held between the administrative officers in Madhya Pradesh and the neighbouring States with a view to exchanging notes and seeking improvements in the law and the administration of Prohibition. If any conference had been held, the proceedings thereof were not made available to the Committee.

17. **Top-level offences.**—Most, if not all, the offenders who were brought to book were the so-called lower classes who generally consume country spirit or toddy. There does not seem to be a single offender from among the "higher-ups" or the "upper ten" who generally consume foreign liquor. Either Prohibition among the "Upper Ten" had been a complete success or the authorities failed to notice any violations of the law, accidentally or deliberately. The official view was that there were no violations. On the other hand, there were several witnesses, whose testimony cannot be discounted, who said that

the violations were many, frequent and flagrant, and within the knowledge of the authorities. They testified that some of the higher officers in charge of enforcing Prohibition did not either believe in Prohibition, or were cynically opposed to it, or broke the law themselves. It was also said that a Minister was known to have taken liquor, legally and illegally. We have no reason to discount these allegations.

18. Secrecy of permits and permit-holders.—It must, however, be pointed out that the permit system contemplated legal consumption of foreign liquor by permit-holders, and all consumption of foreign liquor was not, therefore, automatically illegal. Reference was already made to the number of permits issued in each of the years from 1946—49. The figures for the earlier years, from 1938, when the system came into operation, were not furnished to the Committee. The names of permit-holders have never been published for general information, but only circulated among Police officers. While the system permitted a Police officer in the know to detect a violator, it did not facilitate another person doing so.

19. Secrecy and enforcement.—Enforcement of the law in the case of foreign liquor consumption would be facilitated by the publication of the list of permit-holders. One of the top-rank officials stated that, inasmuch as it was perfectly legal to take out a permit, there was no stigma attached to it. Nevertheless, he defended secrecy because the publication of their names would be humiliating to permit-holders. The logic is somewhat difficult to follow. It is obvious that a person who consumes foreign liquor legally must have had a permit with the full approval of the Government. If he does not feel it humiliating to consume liquor openly and legally in the presence of his family and friends, or at social gatherings in clubs and hotels, there is no reason why Government should presume that he would feel humiliated if he is known publicly as a permit-holder. In fact, the publication is likely to protect him from being mistaken for an illegal consumer. It is only the illegal consumer that can benefit by secrecy. Enforcement would be more efficient if the names of permit-holders are periodically published.

20. Publication helpful.—If, on the other hand, the publication of the names of permit-holders was likely to have a deterrent effect, it would have promoted the policy of Prohibition. Either the person concerned would give up the habit, or go in for illicit liquor and take the risks, which, in view of his presumed high social standing, would be very unwelcome, if the authorities do not deliberately shut their eyes to violations in such high quarters.

21. Government party to secret sin.—There is no justification for Government to shield anybody in any action to which Government is a legal party. It gives the impression that Government was somewhat ashamed of the transaction, as if it were a party to secret sin, which is most demoralising. It should leave it to the individual concerned, whether to take out a permit publicly and consume foreign liquor, or refrain from taking out a permit if he felt the publication of it would be humiliating to him. If, on the other hand, he wishes to indulge in secret sin, as it were, Government need not, and should not, be a party to it. Most Indians, who consume foreign liquor, would no more be embarrassed than the Europeans if their habit was publicly known. They will be saved from embarrassing situations at mixed parties when they might be taken for non-permit-holders and refused liquor, while non-permit-holders might be served and an offence committed. It would not be possible

to distinguish permit-holders from non-permit-holders, if their names are shrouded in secrecy, and known only to the Police as if they were criminals or potential criminals.

22. Demoralising discrimination.—Another demoralising factor was the policy of permits under rule 7 of the Foreign Liquor Rules. Whatever be the sociological justification for the discrimination in favour of those whom the licensing authority thought had enough of social and economic status and sense of responsibility as not to abuse the privileges, the grant of permits to some people to consume liquor, while all others were penalised for doing so, was not calculated to create respect for the Prohibition Act. Similarly, the application of the Act to certain areas only but not to others under the same administration, whatever be the financial and administrative justification thereof, was not calculated to inspire respect for the law. If drink was an evil and a crime, it could not be so only in certain areas and not in others; it could not be less of an evil if some people drink legally on payment of a fee of Rs. 100. It amounted to permitting evil in the wet areas and licensing it in the dry areas. The application of Prohibition to certain isolated towns like Katni and Buldana, while the surrounding districts were wet, was an open invitation to violations of Prohibition. The contrast was most striking, even pathetic, when a seventy-five-year old man, a veteran in the drink habit, was sentenced to jail for being in possession of illegal liquor, when the officer who sentenced him was known to consume liquor, though legally with a permit. However legal it may be, the moral effect of it was not lost on the discerning public. When the Police were efficient enough to detect hundreds of violations of the Prohibition law by the poorer and unsophisticated section of the people and failed to make a single detection of violation by any of the "Upper Ten", it is difficult to believe that the law was enforced without equivocation or reservation. In the face of credible evidence to the contrary, we are unable to accept the official view that there were no violations among the "Upper Ten". Either the Police turned the blind eye, either of their own accord or at the instance of higher authorities, including the Government.

23. Unfair.—It was unfair to the administrative officers concerned, to the subordinate staff, to the policy of Prohibition, and to the public, that Prohibition, which called at the outset for some missionary zeal beyond the sense of minimum official duty, should have been entrusted to officers, most of whom were honestly and cordially opposed to it. The references to the policy made by some of the top-ranking officials left no doubt of their heart-felt contempt for Prohibition. It was as unfair to entrust the administration of Prohibition to them as it would be to invite a devout Roman Catholic to administer birth control laws, or an orthodox South Indian Brahmin to administer anti-untouchability laws. Perhaps it was inevitable, and was more a misfortune rather than a fault. It is not always administratively feasible to entrust Prohibition only to those who believed in it.

24. Government attitude.—As regards the Government itself, which under the present democratic set-up, may be said to represent public opinion more directly than the permanent officials, one of the top-ranking administrative officer said that he was not sure that Government knew its own mind with regards Prohibition, as evidenced by the appointment of the Committee, free to question the policy itself. Others have more frankly questioned the sincerity and zeal of the present Government for Prohibition. It was unfortunate that no member of the Government appeared before the Committee. We do not wish to give a kind of *ex parte* opinion, as it were, but we are not in a position to discount or deny these serious allegations.

25. Unfair discriminations.—A number of witnesses criticized the discrimination in the administration of the Prohibition Act: the application of the Act to certain areas and not to the whole State, the scattered location of the dry areas among the wet areas, the grant of permits for foreign liquor only and not for country spirit and toddy, the grant of permits not on some objective test, but at the discretion of the licensing officers on the basis of their estimation of the social economic status and personal character of the applicants, and the detection of offences committed only by the poor, the uneducated and the unsophisticated, and not by the rich, the educated and the sophisticated.

26. Better alternatives.—Enforcement would perhaps have been better if the Act had been applied to the whole State, except the aboriginal areas; if the supply of country spirit and toddy and other prohibited articles had been reduced gradually over a number of years, and the number of Dry days in the week gradually increased, and a uniform policy in granting permits, not only for foreign liquor but also for country liquor, to those who asked for them, on payment of prescribed fees, had been followed and if action had been taken not only against the poor but also against the rich offenders. It would have been better perhaps if, as in the case of opium, life-permits for rationed quantities of intoxicants had been given to habitués as on a particular date and the list was closed to new applicants, so that Prohibition might be absolute when the last permit-holder died. There would have been less temptation to violate the law.

27. Unkept promises.—In moving the Prohibition Bill, the Honourable Mr. Gole had said that Government would "utilise for the next two or three years such income as we continue to get from liquor on uplift work among the drinking population." No information regarding the implementation of this commitment was made available to the Committee, and it does not seem that the Excise revenue since the introduction of Prohibition was earmarked and spent for the purpose, either in the pre-war or post-war years.

28. Unwilling enforcement.—*The conclusion seems irresistible that enforcement of the law was feeble, discriminatory and demoralising, that Government did much to discredit the law and that, if there was a considerable reduction in the consumption of liquor in the Dry areas, it was not primarily due to the enforcement of the law by Government and the administration, but to the general law-abiding character of the people and to the economic factors, already discussed.*

CHAPTER XVII.—PUBLIC SUPPORT

1. Kinds of public support.—The ninth term of reference runs as follows :—

How far the policy of Prohibition received the active support of the people in general.

Public support may be of three kinds. People may support (or oppose) the policy itself through the press, platform or party. Secondly, the persons affected directly, namely the drinkers, may observe the Prohibition Law and give up drink. Thirdly, people may give information to the authorities of violations of the law and give evidence later and help to bring the offenders to book.

2. **No genuine demand.**—It was stated by some witnesses that Prohibition had never had any wide public support as a policy, that it was a *pet fad* of Mahatma Gandhi and that he foisted it on the Indian National Congress and made it a plank in its Constructive Programme, and that the Congress was more interested in embarrassing the British Government than in Prohibition *per se*, and that, in any event, Prohibition was introduced too early before the public was prepared for it, and even otherwise, it was bound to fail, even as it failed in America and elsewhere, for lack of sustained public support after the law was passed.

3. **Pre-Congress support.**—The Calcutta Temperance Federation, of which the Honourable Sir Deva Prasad Sarvadhikary was President and Revd. Herbert Anderson was Secretary, said in its annual report for 1916-17 that the Temperance Party in India asked for Prohibition. In 1917 it secured a Dry area in Calcutta, perhaps the first Dry area in India. In its sixteenth annual report for 1919-20, the Federation declared that total abstinence was the only complete and satisfactory remedy for the drink and drug habit, and worked for it. The Anglo-Indian Temperance Association of London appealed to the people of India to maintain and extend the practice of total abstinence as enjoined upon them by their religion and social obligation. As President of the Fourteenth All-India Temperance Conference held in Calcutta in December 1917, Dr. Chunilal Bose said that, while Government's Policy was to minimise temptation and discourage excess, temperance workers aimed at constitutional nation-wide Prohibition. The Conference passed a resolution, moved by the Honourable Rao Bahadur B. N. Sharma, which said that if India were then in a position to decide her Excise policy, it would be in the direction of Prohibition. Sir J. Herbert Roberts, M.P., President of the Anglo-Indian Temperance Association, London, in his letter dated, House of Commons, November 9th, 1917, to the Conference, said that there was no doubt that if India were in a position to decide her own Excise policy, it would be in the direction of Prohibition. The object of the All-India Temperance Conference was stated to be the promotion of the cause of Prohibition. In his "Excise Administration in Bengal", published in 1921, Rev. Herbert Anderson, the Hon. Secretary of the Calcutta Temperance Association, said that Prohibition was the one remedy to the drink and drug evils in India. He noted that several Conferences of Indians have advocated immediate Prohibition by legislative and other methods and disapproved of Prohibition as an ultimate goal. Thus, it would seem that, the demand for Prohibition anteceded the entry of Mahatma Gandhi in Indian Politics, and the formation of his Constructive Programme for the Indian National Congress.

4. **Mahatma Gandhi's propaganda.**—Mahatma Gandhi made Prohibition a plank in his programme of Non-Co-operation, and carried on a campaign for abstinence on a scale and intensity perhaps unprecedented anywhere in the world. It became part of the Congress programme under his inspiring lead. The propaganda was both extensive and intensive, as he alone could organise. Apart from appeals to people to abstain, there were the more dramatic aspects, like picketting of liquor shops, destroying of liquor and the even more radical remedy of cutting down palm trees, the source of toddy.

5. **Official policy.**—The first legislative action was taken by the Provincial Governments soon after Excise was "transferred" to popular Ministers under Dyarchy in 1921. The Central Provinces and Berar Legislative Council adopted a resolution in August 1921 in favour of Prohibition as early as

possible. The resolution was accepted by the Ministry, which was not a Congress Ministry. When the Congress assumed office under the Government of India Act of 1935, the Central Provinces Ministry enacted in 1938 the Central Provinces and Berar Prohibition Act, and in anticipation of it, introduced Prohibition in certain areas under the Excise Act. The Honourable Minister Mr. P. B. Gole, in introducing the Prohibition Bill in the Legislature on the 7th December 1937, said :

I may claim for our prohibition policy a public support of an ardour and universality never before extended to any Government policy. I have heard voices of caution, even an occasional voice of scepticism, but I have not heard a single voice of dissent in regard to its desirability. I claim, therefore, that the principle of the Bill has the whole-hearted approval of the public and of every section of the House. (Volume 11, page 8.)

The Bill was sponsored by the Congress Ministry, of which Dr. N. B. Khare, himself a medical doctor, was the Chief. During the third reading of the Bill on the 10th March 1938, Rev. G. C. Rogers said :

I want to say, though I had strong objections to the measure but having realised that it is the wish of the country, that it is the wish of this House that this Prohibition Act should come into force, I withdraw my opposition to the measure. . . . I as a Christian, and a representative of the Anglo-Indian community, desire to congratulate the Minister and assure him not only of my individual support but the whole Christian community on this wonderful measure.

Mr. M. M. Haq expressed his pleasure at the beneficent measure which was being passed unanimously by the House.

6. Mahatma's fad.—The argument that Prohibition was a fad of the Mahatma and of the Congress and that it had no public support when the law was enacted seems, therefore, unconvincing.

7. No opposition.—Even after passing the Act and till this Committee was appointed, there was no vocal and organised opposition to the policy and a demand for its repeal or modification, as there has been, for instance, to Food and other controls, to the abolition of Malguzari, to Dalda and Vanaspathi, to the Hindu Code and others. At any rate, no evidence was produced before the Committee. If there was any opposition, it was from the Government of India, who gave a directive to "go slow" with Prohibition, and in virtue of it there was no extension of Prohibition since 1946.

8. Not anti-British.—It has been suggested that Prohibition was mainly a political instrument which Mahatma Gandhi and the Congress adopted to embarrass the British Government, and that such use was no longer necessary, since India had become independent. It has already been pointed out that the demand for legislative Prohibition anti-dated its espousal by the Congress. It is very unlikely that the Anglo-Indian Temperance Association, London, of which Sir Herbert Roberts, M.P., was President and with which were closely associated Messrs. Charles Roberts, M.P., Leif Jones, M.P., Sir Stephen Collins, M.P., and Sir William Collins, M.P., and Mr. Frederick Grubb, and the Rev. Herbert Anderson, advocated Prohibition with a view to embarrassing the British Government.

9. Embarrassment incidental.—Rev. Herbert Anderson and his association in the Temperance Federation felt embarrassed by Mahatma Gandhi's inclusion of Prohibition in his comprehensive programme of political and social and economic emancipation of India. In his pamphlet, *Excise Administration in Bengal*, published in 1921, Mr. Anderson referred to this embarrassment. He quoted Mr. Gandhi, to say, "It is contrary to my creed to embarrass Government or anybody. That, however, does not mean that certain acts of mine may not result in embarrassment". The Council of the Anglo-Indian Temperance Association, however, said that the item of "drink not" in Mahatma Gandhi's programme commanded the sympathy of all good people, of all races and creeds.

10. Political factor exhausted.—Granting that the Mahatma and the Congress was motivated largely by political animus against British rule, the same cannot be said of the non-Congress Ministry that took office under the Montague-Chelmsford Reforms of 1921 and adopted the policy of Prohibition as its goal to be reached as early as possible. At any rate, the political animus against the British was no longer operative when the Congress Government enacted the Prohibition Act in 1938 and when it extended Prohibition in 1948. In so far as Prohibition was calculated to be an embarrassment to Government, it was unlikely that the Congress Government would wish to embarrass itself by pursuing it after the exit of the British Government. The political motive, adventitious at best, has exhausted itself, while the social objective survived. It may be said that those, who had formerly supported Prohibition just to embarrass the British Government but now admit that they never believed in it, were guilty of hypocrisy and political opportunism, but not those who continued to support it even after the British left.

11. Change in public opinion.—It has been suggested that even if public opinion was in favour of Prohibition till it was actually introduced, it has changed after experience of its operation. As has been stated earlier, until the Committee's appointment was announced, there was no public opinion to indicate the change. A majority of witnesses that gave evidence before the Committee favoured a change. But most of them were silently opposed to Prohibition even before it was introduced and continued to hold the same view even now, thereby discounting a great deal the inference that it was the practical experience of Prohibition that brought about the change. Similarly, the great majority of witnesses who favoured Prohibition had held that view even before Prohibition was introduced. In both cases the opinions were largely *a priori*. *There were very few witnesses who had favoured Prohibition before it was introduced and disfavoured it now, as the result of their disappointing experience of its operation.*

12. Change in Government's opinion.—As has been already stated, the terms of reference of the Committee, which included a review of the policy, created the impression that Government favoured a change. Indeed, it was said in influential quarters that Government had already decided to abandon Prohibition and had appointed the Committee to find plausible justification for its decision. No other Congress Government had so far appointed a Committee free to review the policy of Prohibition. This impression might account for the different tune sung by the majority of Government officials who tendered evidence, and might have also influenced some of the non-official witnesses.

13. Social v. Financial considerations.—Both non-official and official opposition to Prohibition seems to have been influenced more by financial, rather than social, considerations. Most witnesses lamented or deplored or resented the loss of revenue due to Prohibition and the imposition of fresh taxes to make up the loss. The Sales tax seems to have been their special aversion, partly because it impinges frequently on a greater proportion of people. Further, some of the witnesses, who were interested in securing Government grants for their educational or other institutions, have been persuaded or persuaded themselves that Prohibition stood in the way of their getting them and preferred grants to Prohibition.

14. Generalizations.—Some witnesses were influenced by their own personal knowledge of the evasion of the law, and many others by heresay which they were predisposed to believe. In most cases, however, their experience, first or secondhand, was very limited; it was more qualitative than quantitative. It was generalization from limited knowledge, unavoidable in the circumstance but not conclusive. The story is told of a distinguished foreigner that he was feted by a number of Maharajas who had plural wives. On his return home, he authoritatively stated that Indians had plural wives! If even a majority of Indian males wished to marry at least two women each, there were not enough women to go round, as a glance at the Census Report would show!

15. Assessment of public opinion.—It was stated by several witnesses that public opinion was not behind Prohibition. Only a referendum can disclose the extent of public opinion behind Prohibition, as behind any other law or reform. Failing it, we have to fall back on the press, the platform, and party and the legislature as indicative of public opinion, though they often represents only the more vocal and the more enterprising elements in the public, and they may be in a small minority. Till the Committee was an-represent only the more vocal and the more enterprising elements in the There was none in the Legislature either. What there was of these was in favour of Prohibition.

16. Observance.—In another sense, public opinion may be said to be behind the Prohibition if it was obeyed by those who consumed liquor or other prohibited articles before the law was enacted. The greater the observance of the law, as distinguished from its enforcement, the greater the public support for it. For instance, it may be said with fair justification that motor traffic "observes" traffic regulations but that the regulations requiring cycles to have lighted lamps by night are not equally well observed. Regarding Prohibition, we may accept Shri Noronha's estimate that about 60 per cent of the people observed the law voluntarily, and that another 30 per cent did so for fear of the law, and the estimate of Mr. Andrews of the Manganese Mines at Mansar that his labour force except for a small minority had accepted Prohibition, particularly women.

17. Government and public opinion.—Enforcement by the authorities may also be said to be an expression of public opinion to some extent. In a Democratic set-up, as is claimed to be in India, the Legislature is but a sub-committee of the people, rather the voters, and the Ministry is a smaller sub-committee of the Legislature. As such the Ministry represents public opinion. The thesis that if a law is enforced by the State on the citizens, it was not the expression of public opinion is a hang-over of the days of autocracy, when the Government was not representative of, and responsible to, the people.

18. Abstinence v. Consumption.—If and to what extent the law is observed and enforced, and if and to what extent it is evaded and defeated, should be determined, as far as possible, on quantitative data rather than qualitative generalizations. It has been generally agreed that, except the Aborigines, the great bulk of the people mounting to about ninety per cent in the State do not drink, not because of legal Prohibition but because of social conventions and religious sanctions. Of the ten per cent minority who drink, the majority drink infrequently, on weekly pay-days, or on religious or social occasions and only a minority drink regularly almost every day, if they can get liquor.

19. Consumers in India v. U. S. A.—Compared with other countries, the drink problem in India is small. Dr. B. Y. Landis estimated that in the U. S. A., out of the total population of 132 millions in 1940, the drinkers totalled 44 millions, the excessive drinkers 2.4 million and the Chronic 0.6 million. (*Alcohol, Science and Society*, Yale University, 1945, page 221). Dr. E. M. Jellinck estimated that the people of drinking age amounted to 100 millions, and of them 50 millions used liquor. The percentage of drinking population in the U. S. A. was thus higher than in India.

20. Social sanction in India and U. S. A.—Further, social and religious sanctions against drink did not operate as much in America as in India. Drinks before, during and after dinner are socially accepted obligations even in the highest social circles. Toasts at weddings and other social gatherings are drunk in Champagne or other drinks. In India, on the other hand, drink is regarded as a vice, like prostitution, or a secret sin, and only rarely as a sign of fashionable modernism. Few people of even the "Upper Ten", who indulge in fashionable drinks in their modern clubs, would serve them at weddings in their homes.

21. Liquor industry in India and U. S. A.—Above all, the Excise industry has, for the most part, been nationalised, as it were, for the last many decades. Perhaps it was the first Socialist industry in India. Liquor, for instance is a Government monopoly, manufactured in Government-owned or controlled distilleries, and sold by Government to dealers at prices fixed by Government. In Madhya Pradesh, Government fixes even the prices at which the retailer may sell Government liquor. The only private sector in the industry is the retailer. But he, too, buys from the Government and sells to the consumers at prices fixed by Government. In the U. S. A., on the other hand, the liquor industry is privately owned and highly organised and has enormous pull with the Governments of the States and the Federal Government. It was, therefore, much easier to introduce Prohibition in India than in the U. S. A.

22. Helping Police.—Another form of public support is the giving information to the Police of violation of Prohibition, and of helping to secure convictions by giving evidence. In this sense it may be said with justification that there was not adequate and enthusiastic co-operation from the public. But in India this is not the only law that suffers from such a handicap. Most violations of most laws are not reported to the Police, unless the reporter is personally affected or has something to gain thereby. A review of the several laws in operation in Madhya Pradesh, for instance, and the estimate of their observance and enforcement will most probably reveal the fact that Prohibition is no worse than most other laws, which affect more people, like those concerning public health, taxation, food, cloth and other controls, and Untouchability.

23. Rewards for information.—The awarding of rewards for information regarding the Excise offences was criticised in some quarters on the ground that it amounted to the spy system. In this connection, the Director, Central Narcotics Intelligence Bureau, Egypt, said in Geneva in May 1935 :

Important narcotic seizures do not fall into one's lap like ripe plums, nor is information to be had for nothing from Sunday School teachers and other honest folk. To fight illicit traffic good information must be obtained from the inside and must be well-paid for, while anti-contraband services must be well-funded, well-paid and well-rewarded. (Excise Report for 1937, page 16.)

We have already seen how the amounts of rewards to informers have been dwindling every year, and how enforcement was not as zealous as was needed.

24. Prospects of Prohibition.—In no other country was the prospect of a high standard of effectiveness of Prohibition brighter than in India and in Madhya Pradesh. The drinking population formed a small percentage of the population. There was strong inherited social and religious taboos against drink. For nearly half a century public opinion was being cultivated in support of legal Prohibition. It had the support of social reformers, like the Calcutta Temperance Federation, the All-India Temperance Conference and the Anglo-Indian Temperance Association, none of which had any political animus against the British rule as such. As early as 1904 the late Mr. G. K. Gokhale advocated "local option" in the Imperial Legislative Council. Mahatma Gandhi conducted an unprecedented agitation in favour of Prohibition. In so far as it had political aspect, it only added to the intensity of the campaign. Non-Congress Governments under the Montague-Chelmsford Reforms accepted Prohibition as the goal to be reached as early as possible. Prohibition formed one of the principle planks in the Congress election programme. When Congress assumed power it promptly set about implementing the promise by enacting Prohibition with the unanimous consent of the Legislature. Unlike the case in America, the liquor industry in India has been a Government monopoly for all practical purposes, and there were no large and powerful private bodies interested in opposing Prohibition. Since the Act was passed there has sprung up no anti-Prohibition press, platform or party in or outside the Legislature.

25. Better in Madhya Pradesh than in U. S. A.—The analogy of the failure of Prohibition in America and other western countries has no comparable significance to India inasmuch as in those countries the percentage of population which drinks is relatively very high and influential, drinking itself has a high social status, and the industry is privately owned and is well-organised and supported by an anti-Prohibition press, platform and party and lobby. There was, therefore, no *a priori* reason why Prohibition should not be a better success in India and in Madhya Pradesh.

26. Official reports on public opinion.—It is interesting to note what the annual administration Reports of the Excise Department said regarding public opinion. The Report for 1937 recorded that Gonds in Shahpur area of Betul had formed caste Panchayats to promote Prohibition among them, and that local Congress bodies had carried on Prohibition campaigns and that the Honourable Minister for Excise and the Excise Commissioner toured extensively to propagate Prohibition and that they met with most encouraging

response and much public support which augured well for the future (paragraph 3). The Excise Report for 1938 recorded that outside the Prohibition areas there was no organised temperance movement beyond a few sporadic attempts in a few districts to preach abstinence. In the Prohibition areas the Honourable Minister for Excise, the Excise Commissioner and influential leaders addressed several mass meetings and distributed thousands of anti-drink posters and leaflets supplied free of cost by the British Temperance League. The Excise Report for 1939 noted that there was no sustained or well-organised non-official temperance propaganda in the province but here and there attempts were made to induce people to give up drink. In Bilaspur and Nimar and more particularly in Betul, meetings and processions were held and resolutions passed requesting Government to apply the Prohibition Act to the districts. There was considerable agitation for the extension of Prohibition to Nagpur city and the Nagpur Municipal Committee reiterated its former resolution to the same effect. Peaceful picketing of liquor shops was also undertaken for a short time. Prohibition was inaugurated in Wardha and Akola districts by the Honourable Minister for Excise in January 1939 amidst scenes of enthusiasm. It was preceded by propaganda by means of lectures, pictures, posters, dramas, songs, etc. During this period (1938—40), the State Government was run by the Congress and the anti-drink campaign could not be said to be anti-British. Reports for the war years (1940 to 1946), were not published. It was said, however, that Prohibition suffered a "set-back"; Government went back on Prohibition in Katni and perhaps also in Nagpur, and in the ten-miles "shopless belt".

27. Propaganda.—Congress returned to office in late 1946. The Excise Report for 1946 noted that there was no organised but only individual attempts at temperance in the Wet areas but an intensive anti-drink propaganda was carried on voluntarily by individuals and organisations much before Prohibition was actually introduced, and there were several demands for the extension of Prohibition, and added that "people were fast becoming Prohibition-minded". The decision to extend Prohibition to Nagpur and other areas was acclaimed on all hands with great satisfaction. Propaganda for Prohibition preceded the actual introduction of Prohibition. "Prohibition Day" and "Prohibition Week" were observed. The Honourable Minister for Excise toured extensively preaching Prohibition. The Report for 1947 noted that in the Wet areas there was no sustained temperance movement or any organised opposition to the Government's Excise policy. There were, however, some representations demanding the extension of Prohibition, which showed that people were becoming Prohibition-minded. The anniversary of Prohibition was celebrated in some Dry districts and speeches were made by leading non-officials. All the District and Tahsil Congress Committees co-operated in the cause of Prohibition. In some tahsils in the Nagpur district some Harijans, Dhobis and Dhimars formed caste-panchayats to promote Prohibition. Some Gonds in Raipur prescribed a penalty for the use of liquor by any member of the community. The Report for 1948 repeated that in the Wet areas there was no organised and sustained temperance movement, nor opposition to the excise policy of Government, though in some places there was some anti-drink activity and in some other places a demand for the extension of Prohibition. It noted that in the Balod and Bemetara tahsils of the Durg district, a Wet area, a certain anti-drink movement put pressure, and imposed social boycott and fines on drinkers as a result of which

liquor contractors were unable to get coolies to transport liquor from the warehouses to the shops. It subsided only when the Deputy Commissioner and the District Congress President intervened. In the Jabalpur district there was occasional demand for Prohibition, and the contemplated prohibition of possession of liquor in the "shopless" zone of the district was welcomed by the public. In the Dry areas the anniversary of Prohibition was celebrated; the Congress Committees carried on their usual Prohibition propaganda and co-operated in the cause of Prohibition. The Report for 1949, the latest available, recorded that in Yeornal district, a Wet area, some leaders of Banjaras organised a Prohibition movement; in Surguja the Janapada Sabhas undertook Prohibition propaganda, and the anti-drink and Prohibition committees in the Dry districts carried on their propaganda as usual, though in a subsequent sub-paragraph, the same Report said that the anti-drink committees did not function properly and most of them were practically defunct !

28. Value of official reports.—It may be unfair to dismiss all these statements of facts, as distinguished from their appraisal, in the Excise Department Reports, as false propaganda, cooked up to please the then Ministry. It may more fairly be taken that, though there was no organised State-wide movement for the effective observance of Prohibition, what movement there was at all was in favour of Prohibition, but none against it. The probable reason why the tempo of Prohibition propaganda may have come down was the fact that it was most relevant and called for when the policy was under debate. When once the policy was accepted and enacted into law and Government promised to extend it to the whole State in four years, the main problem was one of administration. Until the Sarda Act was passed, there was propaganda both for and against it, but once it was enacted it died down naturally and inevitably. Such action as is now called for refers to administration. It is possible that the glowing reports of the over-all success of Prohibition, repeated in the annual Excise Department Reports, made any public propaganda not so necessary, notwithstanding local and limited experiences to the contrary.

29. Consumers as public opinion.—It was held by some critics that in enacting Prohibition, the only public opinion that should be taken into consideration was that of the consumers, and not the non-consumers. If this line of argument be accepted, the income-tax should be levied with the consent only of the players thereof, and laws again untouchability and child-marriage should be enacted with the consent only of orthodox Hindus, and so on. No law can be passed by the consent only of those who would be adversely affected by it; indeed, normally laws are passed by others in the general interest, in spite of the protests of the people adversely affected by them in purse or sentiment.

30. Conclusion.—*It may be said, therefore, that public opinion was strongly and consistently in favour of Prohibition in Madhya Pradesh, that Prohibition was advocated and accepted by pro-British, non-Congress, and even anti-Congress, Indian leaders before Mahatma Gandhi and the Congress adopted it, that its anti-British aspect was adventitious and transient, that, until this Committee was appointed, there was no opposition to Prohibition either through the press, the platform or a political party, that such opposition, as manifested itself since, was largely motivated by opposition to the Sales tax and other Prohibition taxes, that the great majority of drinkers had given*

their support to the law by abstaining from drink, and that if public support in the sense of giving information to the Police of violations of the law was not forthcoming in greater measure, it was not special to the Prohibition Act, and that, as the Inspector-General of Police said, the only difference between the Prohibition Act and other laws was that the former involved surrender of revenue by the State.

CHAPTER XVIII.—FINDINGS

1. **Duration.**—For all practical purposes, Prohibition was introduced in the State in 1938. It suffered a “set-back” during the War years under the Section 93 Regime. It was resumed when the Congress returned to Office in the last quarter of 1946, and was in operation for three years when this Committee was appointed.

2. **Dry and Wet population.**—Prohibition was extended by stages to areas which were not contiguous and compact. It was extended variously to some revenue districts and to selected sub-divisions, tahsils or towns. The last extension was practically in 1947. While the population in the Wet areas under the Excise policy was decreasing with every extension of Prohibition, it was to some extent countered by the normal increase in population of the State, which was at the rate of one per cent per annum, as the Census Reports indicate. The population in the Dry areas, which was “nil” in 1937, rose to about 80 lakhs, or nearly half the population of the State (exclusive of the merged States) in 1949. The population in the Wet areas fell from 142 lakhs in 1937 to about 80 lakhs in 1949, or to about 55 per cent of 1937.

3. **Lack of uniformity.**—There was no uniformity in the Prohibition of Excise articles in the matter of time and areas. Country spirit, toddy, foreign liquor, opium and hemp drugs were prohibited at different times and places. Country spirit and toddy were prohibited absolutely, while rationed quantities of foreign liquor, opium and hemp drugs were permitted in the Dry areas.

4. **Proportionate v. Actual consumption.**—If Prohibition had been hundred per cent effective, the consumption of country spirit and toddy would fall in direct proportion to the fall in the population in the Wet areas, while the fall would be less in the case of the other articles, as some legal consumption was permitted even in the Dry areas. Since the wet population in 1949 was about 55 per cent of the Wet population in 1937, the last pre-Prohibition year, the consumption in 1949 would be to 55 per cent of the 1937 consumption. The actuals were as follows: Country spirit 121; toddy 48; foreign liquor 30; opium 53; and hemp drugs 70 per cent. It will be noticed that the actual consumption of toddy, foreign liquor and opium was lower than the proportional, while that of country spirit and hemp drugs was higher. The increase in the last two was partly due to consumers of foreign liquor and opium changing over in part to country spirit and hemp drugs. Compared with 1946 and 1947, however, the subsequent fall in the consumption of all items, when their Prohibition was re-enforced, was very striking.

5. **Reduction of consumption in Dry areas.**—Prohibition was not effective in eliminating the drink and drug habit, as the detected cases of illicit distillation and smuggling in the Dry half of the State prove. It was, however, effective in reducing consumption very considerably, partly because of the

law-abiding character of the people, including consumers of intoxicants, particularly when they were sober, and partly because of the high prices of the illicit articles. In the case of country spirit, the reduction was about 80 per cent. In striking contrast, was the doubling of consumption in the Wet half of the State, which was under the Excise policy.

6. Illicit distillation in Dry and Wet areas and eras.—Prohibition gave some impetus to illicit distillation and smuggling and other malpractices. They were, however, offences both under the Prohibition and Excise Acts, and occurred both in the Dry and Wet areas and eras. While illicit distillation was stimulated in the Dry areas because of the absolute scarcity of licit articles, it was stimulated in the Wet areas because of the relative scarcity of licit articles due to high prices charged under the Excise policy. If the figures of detected offences be any indication, their number was not less in the Wet, and more in the Dry, areas and eras. Before Prohibition was introduced in any part of the State, malpractices like illicit distillation and smuggling were a major administrative problem to the State, and they are so now both in the Dry and Wet areas, and call for the same solution.

7. Overall reduction in Dry areas.—There is, however, no reason to conclude that the increase in illicit consumption has balanced the decrease in licit consumption in the Dry areas. Even in the pre-Prohibition days, there was some illicit consumption in addition to licit consumption, even as it is in the Wet areas today. The overall consumption was and is licit *plus* illicit. In the Dry areas there is only illicit consumption, except to the small extent permitted by the law. If, in the pre-Prohibition days, the overall consumption was, say, 100 units, consisting of 90 units licit and 10 units illicit, the consumption during the dry years may be 20 units, all illicit. The illicit has, no doubt, doubled, but the overall consumption was reduced by 80 units.

8. Smuggling of licit articles from Wet into Dry areas.—Inasmuch as the licit consumption in the State in 1949 was less than the proportional in the case of toddy, foreign liquor and opium, there was not much scope for smuggling of licit articles from the Wet to the Dry areas. In the case of country spirit, the consumption in 1949 was more than double the proportional, giving room for the suspicion that a great part of it might have been smuggled into the Dry areas for consumption there. But the suspicion seems to be unfounded. For, if it be held that the Dry as well as the Wet areas were being served fully by the sales of licit liquor in the Wet areas, then it would not be true that there was any "loss" of revenue due to Prohibition, or any increase in revenue if Prohibition be called off. Licit liquor sold in the Wet areas is mostly consumed there, and very little is smuggled into the Dry areas.

9. Malpractices.—It gave impetus to malpractices such as illicit distillation and smuggling in Dry areas and eras but no more than the Excise policy did in Wet areas and eras. These malpractices were a major problem before Prohibition and during the current of the Excise policy, and are likely to remain so even if Prohibition be withdrawn. If they can be effectively controlled under the Excise policy, they can be equally effectively controlled under Prohibition policy.

10. Health considerations.—Local illicit liquor was not scientifically examined to ascertain if and to what extent its consumption was deleterious to health. Till this Committee was appointed, neither the Excise Department, nor the Public Health Department, nor the Police Department or any other

public authority had noticed any deleterious effect of illicit liquor, notwithstanding that it was being consumed during the last several decades and long before Prohibition was introduced. Some witnesses, including Medical and Health authorities, testified before the Committee that illicit liquor was deleterious to health but on the strength of text-books concerning illicit liquor in other countries. They also said that even Government liquor supplied under the Excise policy was also deleterious, as it contained fusel oil, etc.

11. Substitutes.—There was an increase in the consumption of methylated spirits, tinctures, etc., after the introduction of Prohibition. But the quantity of these substitutes was small compared with the consumption of licit liquor before Prohibition. The overall reduction in consumption is not incompatible with individual and local excesses noticed by some witnesses.

12. Disregard of law.—In so far as Prohibition failed to eliminate the drink evil, it contributed to the disregard of law in general, but it was not the only law which had that result, nor the worst. Even the Excise law is not wholly effective and it also contributed to the disregard of law in general. According to statistics of offences, the Prohibition Act was better respected than the Excise and Police Acts. It is very doubtful if the laws against untouchability, for instance, are fully effective and do not contribute to the disregard of law in general even more than the Prohibition Act.

13. Corruption.—Prohibition had added to the prevailing corruption, but not perhaps as much as, or more than, the Excise and many other laws.

14. General improvement.—The Excise Reports repeatedly claimed that there was all-round progress, physical, economic, social, among the drinking classes, but they were discounted by many officials themselves. Other evidence was much too conflicting. Without very elaborate and detailed enquiries over wide enough areas and a long enough period, which the Committee was not able to undertake, it was not in a position to say definitely if Prohibition had improved the economic, social and physical conditions of the drinking classes. Such enquiry is indicated.

15. Industrial labour.—On the whole, Prohibition seems to have done some good and no harm to industrial labour.

16. Juvenile delinquency.—Prohibition added to the amount of juvenile delinquency, but the addition was insignificant, particularly when compared with the delinquency due to their participation in the violation of many other laws.

17. Effect on finances.—In view of the fact that Prohibition has so far not been extended to the whole State, but was limited only to parts of the State, and that too in stages, the fall in revenue due to Prohibition in Dry areas was more than made up by increased revenue from the Wet areas, due to higher taxation and increased consumption. There was no need for the additional Prohibition taxes like the Sales tax. The revenue from the Prohibition taxes would permit the extension of Prohibition to very nearly the whole State. In Madras, the revenue from the Sales tax has very nearly filled the gap created by the extinction of Excise revenue. In so far as the Prohibition taxes like the general Sales tax were levied to fill the gap that would be created if and when Prohibition was extended to the whole State, there is a moral obligation to extend Prohibition to the whole State. If this be not done, there is a moral obligation to remit the Prohibition taxes. Their continuance otherwise can be defended only on the ground that additional revenue was needed for the purposes of the State, but unconnected with Prohibition.

18. **Inflation.**—Prohibition did not add to the inflation in the country.

19. **Public support.**—There was public support for Prohibition in the sense that such public opinion, as expressed through the press, platform or a party, was in favour of Prohibition as a policy; there was none against it, until the Committee was appointed. Even then, opinion was sharply divided. The opposition was largely motivated by financial rather than social considerations, by aversion to the Sales tax and a preference to Excise taxes. There was also public support in the sense that a majority of consumers observed the Prohibition law. There was not, however, appreciable public support in the sense of giving information regarding the violation of the law and helping to secure convictions of law-breakers. In this respect again, the Prohibition Act was not unique: it was one among many other laws of the kind, and not the worst either. The only difference between the Prohibition law and other laws like the Excise Act is that the former caused "loss" of Excise revenue to the State, though the loss was more than made up by increased revenue from Wet areas, without the need of Prohibition taxes like the Sales tax.

20. **Enforcement.**—The enforcement of Prohibition by Government was weak, step-motherly, discriminatory and demoralising, and contributed more to the disrespect of the law than the violators thereof. If Prohibition has been as effective as it has been, it was due more to social and economic factors than to the zeal and efficiency of administration.



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PART II

CHAPTER XIX.—FUTURE POLICY

EXCISE v. PROHIBITION

1. **The alternatives.**—As regards future policy, four alternatives may be considered, namely, recall of Prohibition, extension of Prohibition, *status quo*, and individual rationing. Most of the critics of Prohibition in Madhya Pradesh and elsewhere concentrated on its “failure”, and demanded its recall, and explicitly or implicitly favoured a reversion to the *status quo ante*, which was the long-established Excise policy. In their view, if Prohibition goes, Excise comes back automatically as the only alternative. We may consider if the Excise policy is better than the Prohibition, and if a reversion to it would be an improvement on the present situation in the Dry areas.

2. **Prohibition commitments.**—If Prohibition be recalled, the consumption of liquor and drugs would become legal in the Dry half of the State, and the Excise policy would apply to the whole State uniformly. If Prohibition was largely effective in the present Dry area, as we hold it was, and if it be lifted now, the consumption of licit liquor, for instance, in the State would nearly double itself; so would the Excise revenue. If not, as some others insist, there would be no significant increase in licit consumption and Excise revenue, but the consumption, which was hitherto illegal in the Dry areas, would become legal. It will, however, involve going-back on Prohibition to which the Congress and the Government are committed. It would also mean the violation of the moral mandate in favour of Prohibition which has been included in the Directive Principles of the Constitution and which should be honoured even more than a legal mandate.

3. **Merits.**—Apart from past commitments which may honourably and frankly be modified, we may consider whether a reversion from Prohibition to Excise would be an improvement on merits. Both deal with intoxicants. How do they differ? Why was Prohibition advocated at all to supercede the long-established Excise?

4. **Government policy.**—It is in the very nature of intoxicants to intoxicate, to “steal the mind” and reduce sobriety. In all ages and places intoxication, whether with liquor or power, has been considered an undesirable value, to be discouraged or eliminated, but not extolled and encouraged. Enlightened State and public opinion have pretty consistently desired to control and limit consumption to the minimum, to tolerate moderation and prevent excess, and to permit the use and prohibit the abuse of intoxicants. In its resolution No. 8201, dated the 23rd December 1904, the Provincial Government stated that its policy regarding country spirit was to—

place it within the reach of all who demand it without prohibitory difficulty on the one hand and without undue facility or temptation to drink on the other.

In their resolution No. 5001-EXC, dated the 7th September 1905, the Government of India said that—

The Government of India have no desire to interfere with the habits of those who use alcohol in moderation. . . . Their settled policy is to minimise temptation to those who do not drink and to discourage excess among those who do.

5. **Moderate v. Excessive.**—But “moderation” and “excess” were not defined. The Criminal Law penalised drunk and disorderly behaviour. Though Government had the monopoly of the manufacture and supply of country spirit, they had no measure of the amount which would be enough for moderate but not excessive consumption. There was no enumeration of the consumers, nor an estimate of their individual or total needs for moderate consumption. There was no means of ascertaining whether the consumption in any particular year was moderate or excessive, and whether the next year’s should be more or less. There was no basic standard, by which to measure and regulate consumption. The only alternative was to welcome every successive reduction in the bulk consumption in relation to the population, or the *per capita* consumption.

6. **1904 Policy—Minimum price and high purity.**—Government sought to control consumption through the manipulation of prices to the consumers. The Provincial Government, in its resolution of 1904, did not seek to bring about progressive reduction in consumption and did not adopt a price policy for that purpose. It proposed to supply liquor—

under guarantee of purity, at the lowest possible cost of manufacture and transport, of which all that is consumed prepays taxation per gallon at a rate which just falls short in every area of the rate which will induce uncontrollable illicit practices.

The objective was to sell pure liquor at the cheapest economic price, and compete with illicit liquor.

7. **1905 Policy—Reduction of consumption by high price.**—In the next year the Government of India laid down the policy of *raising prices* with a view to *reducing consumption*, on the presumption that the higher the tax, and in consequence the price, the lower the consumption. The tax was incidental to the policy of minimising consumption; it was not intended to produce revenue. The resolution stated :

The most effective method of furthering this policy is to make the tax on liquor as high as it is possible to raise it, without stimulating illicit consumption to a degree which would increase, instead of diminishing, the total consumption.

8. **Object of tax.**—The tax was a means to an end, and not an end itself. For the resolution stated that—

to a furtherance of the policy all considerations of revenue must be absolutely subordinated.

The tax was something like protective duties on imported goods. They were pitched high, not to yield increasing revenue but to reduce the imports. The effectiveness of protective duties is tested by the reduction of imports, and not by the increase of revenue.

9. **Cost price, issue price and selling price.**—The selling price charged to the consumer is very much higher than the cost price to the Government. The selling price includes the cost price to Government, charges incurred

by Government, the tax levied by Government, the licence fee collected by Government from the vendor, and the charges and profits of the vendor. The issue price at which Government issues to the vendor does not include the licence fees paid by him. The issue price and the selling price vary from place to place and from time to time in accordance with Government's estimate of the paying capacity of the consumers in order to get the maximum revenue possible.

Both the issue price and the selling price are fixed by Government. The cost price to Government, the minimum and maximum issue price to the vendor, and the minimum and maximum selling price to the consumer per gallon or seer of intoxicants in 1950 were as follows :—

Item	Cost	Price			
		Issue		Selling	
		Minimum	Maximum	Minimum	Maximum
(1)	(2)	(3)	(4)	(5)	(6)
	Rs.	Rs. a.	Rs. a.	Rs. a.	Rs. a.
Country spirit ..	2	7 13	29 6	13 2	52 3
Opium	40	250 0	..	450 0	1,280 0
Ganja	3	180 0	..	240 0	400 0
Bhang	2	70 0	..	90 0	160 0

Compared with the cost price to Government, the selling price to the consumer is phenomenally high. The net profits of the Government, after incurring the necessary cost and charges, are known to be high; the net profits of the vendor are not disclosed, but are presumed to be also high. Taken by itself, the rate of profit of both Government and the vendor may evoke the envy of the worst profiteer and black-marketeer.

10. Deterrant incidence.—Taking the tax alone into consideration, its incidence is unconscionably high if it be judged by the canons which generally apply to taxation for purposes of revenue. No other consumer tax is as high as the tax on intoxicants. It can be justified only on the ground that it was intended, not for revenue, but for reduction of consumption. *It was a deterrant tax and not a revenue tax.*

11. Critics.—*In practice, however, the tax has been increasingly treated as a revenue tax rather than as a deterrant tax. Increased revenue became the main, if not the sole, objective of Excise policy. It has been criticised during the last half a century by social reformers, Indian and British, individuals and organisations. Among them may be mentioned the Calcutta Temperance Association, and the All-India Temperance Conference in India, the Anglo-Indian Temperance Association. London, and Mr. G. K. Gokhale, Sir D. P. Sarvadhikari, Sir B. N. Sharma, Sir Gooroo Das Banerjee, Dr. Chuni-lal Bose, Sir Balachandra Krishna and Mrs. Ramabai Ranade among Indians, and Sir Herbert Roberts, M.P., Mr. Charles Roberts, M.P., Mr. Lief Jones, M.P., Sir Stephen Collins, M.P., Sir William Collins, M.P., Sir Frederick Grubb and Rev. H. Anderson, among Britishers and last but not least, Mahatma Gandhi.*

12. Main criticism.—The main criticism was that, instead of seeking to reduce consumption by high taxation, Government was seeking increased revenue from increased consumption. Next only to Land revenue, Excise revenue became the mainstay of provincial finance. Consumption was, therefore, stimulated, rather than discouraged. In his Budget Speech in the Imperial Legislative Council in 1902, Mr. Gokhale pointed that the Abkari policy of the British Government had let to "increased drunkenness in the land". The Rev. Herbert Anderson, Secretary of the Calcutta Temperance Association, said in 1921 :

The object of the Excise Administration has been to supply the needs of the moderate drink- and drug-taker, and while controlling consumption, to make as much money as possible out of that control. Temperance contention is that in practice the policy has failed. It has resulted in increased consumption, all the evils of which lie at the door of the British Administration (Excise Administration in Bengal, 1921, pages 32 and 33).

13. Rise in prices and consumption.—In Madhya Pradesh, between 1937 and 1949 the consumption of country spirit rose from 462,000 gallons to 540,000 gallons, notwithstanding nearly half of the State had gone Dry in the meanwhile; the revenue from it rose from Rs. 39 lakhs to Rs. 152 lakhs, while the maximum issue price rose from Rs. 10 to Rs. 29-6-0, and the selling price from Rs. 15 to Rs. 53-3-0. Increasing revenue and prices coincide with increasing consumption.

14. Highest taxation on the poorest.—The incidence of the tax and the price fell mostly on the poorest section of the community who take country spirit and toddy, etc. Years ago, Mr. W. S. Cain, M.P., in his article, "The Temperance Problem in India", said :

They (the reformers) realise that it is from the impoverished peasants of India that the greater portion of the Indian Excise revenue is drawn, and that this is the very class which first succumbs to privations imposed on them in these recurring periods of scarcity. . . . All these point to the melancholy conclusion that the customers of the liquor and drug shops of the Indian Government are mainly drawn from the very poorest strata of Indian society, which falls at once into public relief at the first touch of famine ("Indian Social Reform", edited by C. Y. Chintamani, pages 95-96).

Dr. B. Das Gupta, in his book "Provincial Taxation under Autonomy", 1948 (Oxford University Press), said :

The consumers of articles subjected to provincial excise belong mostly to the poorest class. *Toddy* is the drink of the poorest labourers and cultivators. *Pachwai* is the drink of the hillmen and aboriginals, who are very poor. *Ganja*, *bhang* and *charas* and opium are taken mostly by the common people who are poor and cannot afford two meals a day. To levy taxes at such heavy rates on these people is hard indeed. It is placing the heaviest burden on the economically weakest.

Among those who drink country spirit, the majority belongs to the poor and lower middle class, and the rest to the upper middle class. Only among these who drink foreign liquor do rich people preponderate. Leaving aside all questions of morality, the taxes of this group, therefore, involve the utmost injustice. It is, in fact, taxation of extreme poverty at excessively high rates (pages 170-171).

According to the Finance Secretary to the Madhya Pradesh Government, the incidence of several taxes in the descending order was as follows :—

				Rs. a. p.
Land revenue	..	..	1	14 4
Excise	..	..	1	0 2
Sales tax	..	..	0	9 9
Stamps	..	..	0	6 11
Motor vehicles	..	..	0	2 11
Entertainment	..	..	0	2 2

It will be noticed that the incidence of the Excise tax, which was collected from only the Wet half of the State was much higher than, say, the Sales tax or the Entertainments tax, which was collected from the whole State.

15. Comparative incidence.—It was universally admitted that the great bulk of the Excise revenue was paid by a small minority of the people of the State, the drinking community. It was variously estimated as from 5 to 10 per cent. If the incidence of the Excise revenue was, say, Re. 1 per head of the population, and if only 10 per cent paid it, the incidence on those who paid it would amount to Rs. 10 per head. Since the tax was paid by only about half the State, the incidence would be double, or Rs. 20 per head. On the other hand, the Sales tax, for instance, is contributed by a much larger section of the community than the Excise tax. If its incidence was Re. 0-9-9 per head, and if it was paid by, say, 50 per cent of the population, the incidence per payer would be only Rs. 1-3-6.

16. Graded incidence of Sales tax.—Furthermore, the Sales tax is graded in the Madhya Pradesh. A number of articles, which are of the nature of necessities, are tax-free; luxury articles are taxed at the rate of one anna per rupee while the General Sales tax is 6 pies per rupee. According to the Finance Secretary, the yield of the Sales tax was mostly from the higher and richer classes, since foodstuffs and coarse cloth were tax-free. Both from the absolute and relative points of view, therefore, the Excise tax is most heavy and unconscionable in its incidence, and bears most heavily on the poorest section of the population.

17. Inhuman burden on the poorest.—It has, however, been suggested by several witnesses that Excise articles were luxuries and not necessities of life, and that the general policy of high taxation of luxuries applied to them also, and that it was open to the consumers to escape the heavy taxation by reducing their consumption or giving it up altogether. Other witnesses pleaded that liquor was a necessity to the hard-working labourers in the fields and factories and particularly to *dhobis* and fishermen who worked in water. Still others pleaded that the lot of the drinkers was so miserable, that they lived in such depressing environments, that they should have liquor to drown their sorrows and miseries. Perhaps all of these explanations are not generally and equally true, but each of them is partially true. If liquor was needed to drown a man's misery, but not necessarily that of his wife and children—it would seem almost cruel to treat it as a luxury and tax it heavily, thereby adding to his misery. If it be a necessity for hard workers at some jobs, it seems unfair to tax it so heavily. If, on the other hand, liquor be a luxury, it is a kind of inescapable luxury to some. If, for instance, silk is taxed heavily, its consumption would fall and cheaper cottons would take its place.

But if liquor is taxed heavily, its consumption would not fall proportionately, since the addicts would pay anything for it. The late Mr. G. K. Gokhale said in the Imperial Legislative Council as long ago as 1902 :

Liquor is not like ordinary articles of consumption, which a man buys more or less as his means are larger or smaller. When a man takes to drink, he will sacrifice wife and children, if necessary, but will insist on satisfying his craving for the spirituous poison.

As Dr. B. Das Gupta said in his "*Provincial Taxation under Autonomy*":

The regulation of consumption by taxation, though productive of good results in other lines, produces disastrous results in the use of articles like intoxicating drinks, and causes extreme hardship by throwing almost inhuman burden on the poorest classes of society (page 174).

18. When inebriate.—Whether as luxury or necessity, intoxicating drinks and drugs are a class by themselves. Unlike other articles of consumption, they tend to reduce sobriety and interfere with the power of judgment. When a person has taken a helping of food, his discretionary power to take another helping or not is unaffected. But when he takes a drink, his discretionary power to take another or not is weakened.

19. Excise tax inequitable, iniquitous and anti-social.—The proceeds of the Excise tax have been spent on providing amenities mostly to the more sophisticated, the more influential and better educated non-drinkers and the more well-to-do classes, though the Government had promised that it would be spent for the benefit of the unsophisticated and the uneducated drinking classes themselves. *The Excise tax is thus perhaps the most inequitable, the most iniquitous and the most anti-social tax that can be conceived, economically and morally. At its worst, it is plundering the poor when drunk. The greatest merit of Prohibition was that it abolished this tax.*

20. Auction system and consumption.—Another of the worst features of the Excise policy is the auction system of licensing contractors to sell excise articles. The right to sell Government liquor, etc., is auctioned to the highest bidder annually. Theoretically, there is a small margin of profit to the contractor. But the auction system puts a heavy strain on it, and it is generally admitted that it leads to malpractices on the part of most contractors who have to make the most profits during the short period of one year. The auction system has rightly been described as a "gamble in drink and drug probabilities and one of the gamblers is the Government". The licence fee obtained by Government has no relation to the actual sales at the shops. If the fee is too low, Government loses revenue; if it is too high, the vendor is tempted to make good his loss by all manner of means, including adulteration with cheaper and inferior and even poisonous stuff. The auction system tends to increase consumption in order to enable the vendor to increase his profits or reduce his losses. Whatever be the administrative and other conveniences of the auction system—and they are undeniable—it is not calculated to minimise consumption, or ensure that the liquor supplied to the consumers is not worse than that supplied by Government to the vendors. In so far as the main professed purpose of Excise policy is the reduction of consumption, the auction system is calculated to defeat it. To the extent that the Excise system is continued, the auction system should be substituted by a fixed salary system. In so far as the consumption of excisable articles is an evil to be mitigated, the sooner profits are

taken out of it the better for the policy, whether the profiteer is the Government, the contractor or the boot-legger. The one great outstanding service done by Prohibition, apart from substantial reduction in consumption, is the abolition of Government's unconscionable profits from the trade. If the revenue from opium and salt deserved to be abolished, the revenue from intoxicating drinks and drugs deserve to be abolished even more.

21. "Drink More" campaign.—The only point in favour of the Excise tax is that it brings substantial revenue and has been well established and easily collected. Most of the witnesses who preferred Excise to Prohibition did so solely on revenue consideration. If Excise tax be as legitimate and honourable source of revenue as, say, the Income-tax or the Sales tax, there is no reason why more people should not be encouraged to drink more, and thereby increase Excise revenue. A campaign of "Drink More Liquor", like "Grow More Food", "Drink More Milk" or "Eat More Fruit", would yield more revenue. To the extent that Drink is universalised, to that extent the revenue would increase. But Governments have always been apologetic about Excise revenue and professed that it was only incidental to their policy of reducing consumption. Indeed, they even professed to subordinate revenue to consumption.

22. Change of tax; not loss of revenue.—It is misleading to suggest that Government revenue would suffer a "loss" if Excise revenue was abolished, as long as other taxes take its place and yield the same revenue. There is only a change in the tax system, and that happens at every annual Budget. The General Sales tax and other taxes will take the place of Excise tax, even as the losses due to the abolition of the Salt tax and the export of opium have been made good by other taxes.

23. No difference to revenue whether raised from Excise tax or Sales tax.—All taxes come from the people. The people should have money in their hands to pay part of it in taxes. Unlike most individuals, who have to cut their coat according to their cloth, the State, within broad limits, decides on its expenditure and raises the requisite revenue, if necessary, by additional taxation. Apart from the equitability of the tax system, it makes no difference to the State if one tax is replaced by another, as long as it gets the total revenue it needs. Would it make any difference to the State whether the citizen consumes liquor and thereby contributes to the State revenue, or consumes other articles like cloth, *pan*, sugar, etc., and thereby contributes to the State revenue? It should make no difference to the State whether part of its revenue comes from the Excise tax or some other tax like the Sales tax, the Entertainments tax, or Income-tax.

24. Sales tax more equitable than Excise.—But it does make a great difference to the tax-payers whether the tax system is equitable or oppressive. The Excise tax is a tax on the consumption of intoxicating drinks and drugs, of which the consumer is not proud and of which the State is apologetic; its incidence is heaviest on the poorest section of the community. It amounts to fleecing a poor man when he is inebriate, or pinching the pockets of a wretched man when he is drunk—a very mean trick, indeed. On the other hand, taxes like the Sales tax, and the Income-tax, are not ones of which neither the contributors nor the State need be apologetic. The Sales tax is paid by a larger and sober section of the community than the Excise tax; its burden is better spread-over. Further, it has some relation to capacity to pay, like the Income-tax, as some articles like food and

coarse cloth are exempt, and the tax is higher on luxuries than on other articles, the consumption of which is more honourable and satisfying than of intoxicants. The growth of revenue from the Sales tax, etc., is a more satisfying indication of the rising standard of living than the growth of Excise revenue, which is largely built on the economic, social and psychological misfortunes and miseries of the drinking classes. Most of the witnesses were asked if they considered the Sales tax, for instance, was more equitable and just than the Excise tax; and they unanimously agreed that it was so.

25. Shift of incidence in Madras.—The shift towards a more equitable tax incidence due to the abolition of Excise tax and the levy of Sales tax in the Madras State was described by Mr. T. A. Vergheese, I.C.S., Finance Secretary to the Madras Government, in his article on "The Madras Budget" in Madras: January 26, 1951, published by the Madras Government. In 1937-38 Excise contributed about 25 per cent of the Madras revenue; in 1950-51 it fell to about 1 per cent. Mr. Vergheese said:

"Land revenue and drink revenue together constituted 69 per cent of the income of the State before the War. Both of them are primarily taxes on the rural population. The townsmen and the comparatively prosperous villagers contributed only a small fraction of the total revenue. With the enforcement of Prohibition, the burden of this taxation was shifted from the shoulders which were groaning under its weight. Land revenue now constitutes only 15 per cent of the present income. Commercial taxes and Income-tax, which add up to nearly 49 per cent of the present income, are not borne to any appreciable extent by the tiller of the soil, because the ryot, who lives on the produce of his land, and the labourer in the field who receives wages in kind, do not pay Income-tax or Sales tax on his staple food. The main weight of these new taxes falls on the comparatively prosperous classes of society in the country. The incidence of State taxation has been shifted and made more broad-based, thereby giving considerable relief to the poorer sections of the people."

26. Ignorance or selfishness of the sophisticated.—In view of these considerations, those who prefer Excise tax to Sales tax were advocating a change for the worse. It is difficult to resist the conclusion that, notwithstanding professions to the contrary, the main aim of Excise was revenue, in disregard of reduction in consumption or the welfare of the drinking minority. It was a case of maximum taxation of those who were least able to pay it and least able to resist the injustice. The opposition of the more educated, the more prosperous and more vocal and influential people to the more equitable taxes like the Sales tax was due either to ignorance of the full implications of the Excise tax, or to a selfish desire to exploit the poverty and misery of the more helpless for the benefit of the more sophisticated and more well-to-do.

27. Reform of Excise Urgent.—Dr. Das Gupta in his *Provincial Taxation under Autonomy* (page 161) said:

"It is obvious that fiscal considerations supply the direct motive for control. Both purposes, restrictive and fiscal, may be at the basis of the decision to keep the level of taxation on these articles very high; but once the taxation is as high as at present, the necessity for control arises directly out of the necessity to protect revenue."

Prohibition or no Prohibition, the Excise must be reformed out of recognition. Under international pressure, India gave up the opium revenue from export and abolished opium-smoking in India. She has now agreed to abolish opium consumption within ten years by reducing it by ten per cent every year, irrespective of financial and administrative considerations. The Rev. G. C. Rogers, in supporting the Prohibition Bill, in the local Legislature on the 10th March 1937, said:

"May I remind the House, that though crores of rupees in opium were lost, the country faced the contingency with courage?"

There is no reason why the Excise revenue should not be given up, particularly when there are other and more equitable taxes to recoup the revenue. After all, the money to be taxed is there: the only question is how to collect the Government's share: Excise or other. ;

28. Control by Price v. Supply.—There is yet another and serious defect in the Excise theory of reducing consumption by raising prices to the consumers. At best, it can reduce the bulk consumption, but it cannot ensure moderation and prevent excess, either of the consumers as a whole or each consumer. Granting that by high pricing, the consumption of, say, country spirit in Madhya Pradesh is reduced, say, from 100 units to 75 units, it cannot be said that the moderation level has been reached, or that some individuals were not consuming excessively. Pricing leaves the decision with the consumers as long as the State issues unlimited quantities of liquor if the price be forthcoming. Each consumer can consume as much as he likes if he can pay for it. On the other hand, in the case of opium, for instance, the State limited and reduced the supply, though it raised the price also, which, however, was not necessary to reduce consumption. Further, in the case of opium, the State prescribed individual ration, as it were. Nobody could buy more than a limited quantity at a time.

29. Standard of moderation.—The objective of the Excise policy regarding the consumption of intoxicants, particularly country spirit, was vague inasmuch as there was no standard which would constitute moderate consumption, individual or social. In the case of cereals and water, which are consumed by all, it is possible to estimate the quantity of each needed by the individual and the community. But in the case of intoxicants, not everybody is a consumer; there is no reliable estimate of the numbers who consume or the quantity they need for moderate consumption. It was, therefore, inevitable that the Excise policy of high taxation failed to ensure the bulk or individual consumption to the level of moderation or temperance.

30. Temperance through taxation.—It was because "Temperance through taxation" failed of its purpose that some of the social reformers were driven to advocate Prohibition. The Indian Health Survey and Development Committee, presided over by Sir Joseph Bhore, said :

"There is a school of thought that considers that its (liquor) use should be prohibited in the interests of the individual and the community. . . . because excessive use of alcohol is often associated with violations of public decency and with anti-social acts . . . while the proportion of those who can exercise sufficient control over themselves and limit its use to moderate amounts as will cause no harm to health is, it is claimed, small". (Report, Volume II, page 474.)

The individual consumer could not always be trusted to be moderate. Every additional drink reduces his resistance to yet another drink. The State could not ensure individual temperance by merely raising prices. The rich and the improvident and the addict could drink to excess. The alternative was Prohibition, which would prevent even moderate consumption while preventing excessive consumption.

31. Prohibition preferable to Excise.—As has been already pointed out, Prohibition in the Dry half of the State has not eliminated consumption altogether, nor ensured that the illicit consumption was moderate. But it has reduced consumption by about 80 per cent, and abolished the inequitable and degrading Excise taxes. While Excise in the Wet half of the State has more than doubled consumption and taxation since 1937. In so far as the numbers of detected offences are any indication, they were fairly equal in both the Dry and Wet areas, and cancel out, as it were. As between Excise and Prohibition, the latter is preferable from every point of view, namely, reduction in consumption, revenue and equity of taxation. As has been said already, Excise is most inequitable, inequitable, degrading and anti-social, and should be reformed, irrespective of Prohibition. To replace Prohibition by Excise would be most undesirable.

CHAPTER XX.—OUTSTILL SYSTEM AND ABORIGINES

1. Aborigines and Prohibition.—It would appear that in the application of Prohibition policy the predominantly aboriginal areas and populations have been largely and deliberately excluded. It is common knowledge that among them consumption of liquor is pretty universal, while among others it is limited to very small minority. It is somewhat paradoxical that Prohibition was not first introduced in aboriginal areas. It was apparently due, not only to administrative difficulties, but also to respect for the cultural heritage of the aborigines. The Nayudu Committee of 1937 said that Prohibition should be a very distant goal among them. Mr. P. G. Vanikar, Honorary Provincial Secretary, Backward Areas Welfare Scheme, Madhya Pradesh, who has had much experience of welfare work among aborigines, said in his evidence before this Committee that Prohibition may be possible after ten years of propaganda work by social workers.

2. Outstill system.—It is noteworthy that respect for the culture of the aborigines did not prevent the introduction of the Excise policy to supersede their indigenous system, though administrative difficulties induced a modification of the system. In the aboriginal areas the "Outstill" system largely prevails, as contrasted with the "Contract-supply" system which prevails in the non-aboriginal areas. Under the system, the right to manufacture and sell country spirit is auctioned to contractors, who are given monopolies limited to defined areas. Government have no knowledge of, much less control over, the quantity or quality of liquor produced, or the prices at which it is sold. Their interest is confined to getting the maximum revenue. In 1949 the revenue from the Outstill system was about Rs. 2,34,200 as against the revenue of about Rs. 1,29,00,000 from the Contract-supply system.

3. **Outstill liquor and excessive consumption.**—The Excise Report for 1937 said that the Outstill liquor was the nearest approach to the home-brewed variety to which the aborigines were partial. For that reason it was extended. The Report for 1938 reported, however, that consumption became excessive under the system, and so it was contracted. The more reasonable course would have been the abolition of the system rather than its mere contraction, unless it is presumed or proved that in the contracted areas consumption was, for some reason, not excessive.

4. **Abolish outstill system.**—Bad as the Contract supply system is from every point of view except revenue and the ease of its collection, the Outstill system is very much worse, because the quality and the price are not controlled by Government. The auction of monopoly licence stimulates consumption. The short term of the licence only aggravates it. It is more difficult to detect and punish excessive consumption in aboriginal areas under the Outstill system than in non-aboriginal area under the Contract supply system. The country spirit manufactured for sale by contractors who have no scientific knowledge of manufacture is bound to be worse in quality than the liquor manufactured in modernish distilleries under Government supervision, or the liquor home-made by the aborigines themselves for personal consumption. The Outstill system has all the evils of the Contract supply system, only aggravated, and none of its redeeming features however theoretical and problematical. To prohibit the aborigines from consuming their less deleterious, home-made liquor and legalise the consumption of the more harmful Outstill liquor and expose them to the tender mercies of the monopoly-contractors, most of whom are more unscrupulous in dealing with the less sophisticated aborigines and who have to make the most profits in the shortest time, is a positive disservice to the unfortunate aborigines. For the Government and the contractors to mulct and fleece the aborigines when they are inebriated is too mean for words and unworthy of the worst Government. Mr. Vanikar recommended the policy of curtailing the number of Outstills or liquor shops in the aboriginal areas. The Outstill system should be abolished altogether and at once. The aborigines should be allowed to revert to their traditional home-made liquor, if, as we fear, it is not possible to extend to them the system of Individual Rationing, to be referred to later.

CHAPTER XXI.—PROHIBITION *v.* INDIVIDUAL RATIONING

1. **Status quo undesirable.**—If, for reasons given in the last chapter, we do not recommend the abolition of Prohibition in favour of Excise, the second alternative is to retain the *status quo*, under which nearly half the State is dry and the other wet. This will not involve any going-back on the steps so far taken in pursuance of Prohibition, and to that extent will be in conformity with the relevant Directive Principle of the Constitution. While credit may well be taken for a considerable reduction in consumption in the dry half, there is no loss of revenue to the State, since the wet half has more than made up the gap by higher taxation and consumption, even without the help of Prohibition taxes like the Sales tax.

2. On the other hand, the juxtaposition of dry and wet areas, the legal declaration that consumption of liquor and drugs is legal and not injurious to health in the wet, but criminal and unhealthy in the dry areas, and other

features of the present administration already referred to, are demoralising to a degree. We do not, therefore, recommend the *status quo*, particularly as we hope to suggest a better alternative. We, therefore, make no recommendations to make the present Prohibition in half the State more effective.

3. State-wide Prohibition.—The third alternative is to extend Prohibition to the whole State and abolish Excise. It will be in consonance with the policy of the Prohibition Act, of the mandate of the Congress and the country and above all, the Directive Principle of the Indian Constitution. It is calculated to reduce consumption, for the reasons already given in an earlier chapter. The financial position of the State would not suffer as the Prohibition taxes like the Sales tax and the Entertainments tax, are likely to yield increasing revenues, enough to cover the “loss” due to State-wide Prohibition. As long as the Prohibition taxes are levied, there is a moral obligation on the part of Government to extend Prohibition to the whole State. Problems of illicit distillation and smuggling are not special to Prohibition and will have to be tackled as they would have to be under Excise, and it may be necessary to carry out some of the recommendations in Chapter VI of the Nayudu Committee of 1937, which affirmed that—

“Both policies (Excise and Prohibition) depend for their success on complete control over the manufacture and consumption of not only licit but of illicit liquor” (page 5).

The Prohibition Act, when applied uniformly to the whole State, is likely to be more effective than, when, as now, it is limited to isolated islands. When discriminations are removed or made more reasonable and less arbitrary, the law is likely to be better respected. It will not be one hundred per cent effective; no law is. But it would not be less effective than many other laws which affect more people and more vitally.

4. Government unwilling.—Nevertheless, we do not recommend its extension to the whole State. The present Government and the administrative high command do not seem to be keen on it. It is no criticism of the present Government that it seems to have lost interest in Prohibition, perhaps because of the mistaken impression that its financial stringency was partly due to Prohibition. What little zeal they may have was inhibited by the directive of the Government of India. It is no criticism of the administrative high command because most of them never believed in Prohibition and have had a cordial contempt for it, and, with the best sense of duty, they cannot be expected to enforce Prohibition with the necessary zeal, as is evidenced by the sudden and rapid increase in the number of permits for foreign liquor issued by them since Independence. Prohibition is likely to become less effective than now. It is very unlikely that any alternative Government will be more enthusiastic about Prohibition than the present Congress Government. It is administratively impossible to replace the official high command with another set of officials, vowed to Prohibition. If the best is not good enough, and if salt hath lost its flavour, what next?

4-A. Temperance under Prohibition.—Another and more important reason is that, inasmuch as Prohibition cannot be hundred per cent effective and there will always be some illicit consumption in the dry areas as there has been in the wet areas, there is no means of ensuring moderation and preventing excesses. Individual intemperance is possible whether the intoxicant is licit or illicit.

5. **Better alternative.**—But the most important reason is that we consider *Individual Rationing of Intoxicants is better calculated to ensure the real purpose both of Excise and Prohibition.*

6. **Real objective.**—We may consider what are the real objectives of social reformers in advocating Prohibition and Excise and examine whether Individual Rationing is calculated to serve it better. As has already been noted, the British Government of India, in its resolution No. 5001, dated the 7th September 1905, said :

“The Government of India have no desire to interfere with the habits of those who use alcohol in *moderation*. . . . Their settled policy, however, is to minimise temptation to those who do not drink and to discourage *excess* among those who do, and to a furtherance of this policy, all considerations of revenue must be absolutely subordinated (*italics ours*).”

7. **Substantially similar.**—That was the professed aim of the Excise Policy. It was to permit moderation and prevent excess, to permit the use and prohibit the abuse of intoxicants. The aim of the Prohibition policy was in substance the same : to permit the use and prohibit the abuse. The Nagpur High Court, in its judgment in the Prohibition case, dated the 16th April 1951, said :

“What the law in substance proposes to prevent is what it regards as the *abuse* of intoxicating liquor and not its use in a proper way and for a proper purpose.”

8. **Prohibition not absolute.**—While the objective of Excise and Prohibition has so much in common, the methods were different. Excise sought to ensure moderation and proper use by raising prices, but without directly limiting supply and consumption. Prohibition, on the other hand, prohibited supply of intoxicants and consumption by persons, but made differential exemptions of articles and persons, with a view to permitting the use and preventing the abuse. Prohibition was not absolute under the Prohibition Act. The Preamble to the Act expressly exempted the use of liquor for “sacramental, medicinal, scientific, industrial and such like purposes”. The Act itself contains a whole chapter of Exemptions even with regards the use of liquor as a beverage. Section 29(2) and Section 32(a) of the Act contemplated the use of liquor for other than medicinal, scientific, industrial and other purposes. Consumption as a beverage was contemplated under conditions which were regarded by Government as use and not abuse. Notification No. 1323-1095-VIII, dated the 19th November 1938, listed the exemptions. For instance, all persons were exempted who possessed liquor contained in “culinary preparations or aerated waters or other flavouring essences, etc.,” which were intended for *bona fide* private use and not for sale. The presumption underlying this classification was that personal consumption was legitimate use, but not sale to others.

9. **Use and abuse.**—While the consumption of country spirit and toddy was absolutely prohibited, the consumption of foreign liquor and opium were permitted by certain classes of people under certain conditions to ensure use and prevent abuse. Under section 32 of the Act were promulgated the Foreign Liquor Rules. Rule 7 thereof permitted consumption of limited and rationed quantities of foreign liquor by a person who satisfied the

licensing authority that his social and economic status and his character warranted the concession and that he was not likely to abuse it. Commenting on this classification, the Nagpur High Court observed :

"It may be said that the people in that class can well-afford to drink, and their social status is a good guarantee that they will not be disorderly. . . . The Provincial Government in not extending the grant of permits to the consumption of country liquor must be presumed to have regarded country liquor as more harmful than foreign liquor."

With regards opium, addicts in the Dry areas were permitted to consume it on the ground that they could not suddenly give up the habit. But the consumption was limited to a diminishing ration. The important and noteworthy point is that, while Prohibition purports to prohibit, its real objective is to prohibit the abuse and permit the use, by various expedients and classifications.

10. Sanction for use and against abuse.—There can be and are differences of opinion about the merits of the classifications, constitutional and otherwise. The Nagpur High Court invalidated the classification under rule 7 of the Foreign Liquor Rules but upheld the differential treatment of foreign liquor and country spirit on the ground that the former classification was unreasonable and therefore offended against Article 14 of the Indian Constitution concerning Fundamental Rights, but not the latter. The Madhya Pradesh Prohibition Act as well as the Bombay Prohibition Act exempted military personnel from Prohibition. The Nagpur and Bombay High Courts invalidated the classification as discriminatory and *ultra vires* of the Indian Constitution. But the Supreme Court, in its judgment, dated the 25th May 1951, held that the classification was reasonable, and therefore *intra vires* of the Constitution; on the ground that military discipline carefully and properly regulated the consumption. According to the Supreme Court, the Prohibition Acts permitted the use and penalised the abuse of liquor and the external sanction to secure this purpose was furnished by military discipline in the armed forces, but there was no corresponding sanction among civilians.

11. Health as measure of use.—The question still remains as to what constitute moderation or excess, use or abuse, in the consumption of intoxicants. It may be found in the Indian Constitution, which made a fundamental change in the status of the drink and drug problem in India. Formerly it was primarily a *fiscal* problem, a major source of revenue to the State. The Constitution made it a *Health* problem, where it really belongs. Article 47 of the Constitution deals with Nutrition, standard of living and Health. The relevant part runs as follows:

"In particular, the State shall endeavour to bring about the Prohibition of the consumption, except for medicinal purposes, of intoxicating drinks and of drugs which are injurious to health."

This was emphasised by the Supreme Court in the judgment referred to above. It said:

"Further a reference to Article 47 of the Constitution supported to some extent the conclusion that the idea of Prohibition was connected with Public Health, and to enforce Prohibition effectively the wider definition of the word "liquor" would have to be adopted so as to include all alcoholic liquids which might be used as substitutes to the detriment of health."

According to the Constitution, as interpreted by the Supreme Court, intoxicating drinks and drugs are matters of health and not finance. To view them from any other than the health point of view is a violation of the Constitution. Public health measures like those against malaria, tuberculosis and leprosy, are not sources of revenue. Medical services involve a net expenditure, notwithstanding hospital fees. Educational services are not expected to be self-supporting, much less yield a net revenue to the State. Similarly, while revenue from drink and drugs may not be shunned as "tainted" money, it should not be courted, much less depended upon as a major source of revenue. To signify the fundamental change in their status, the drink and drug problem should be transferred to the Public Health Department from the Department of Separate Revenue.

12. Constitutional limits of consumption.—It may be said, then, that the consumption of intoxicating drinks and drugs, in so far as it is not deleterious to health, is permissible and constitutional. *Health is the criterion of use and abuse.* The problem is thus one devising legal and administrative sanctions for ensuring consumption not injurious to health, apart from medical grounds. *Individual Rationing seems a solution.*

13. Bhore Committee on social sanctions.—The case for Prohibition has mainly been the impracticability of forging such external, social sanctions. Prohibition was advocated because moderate consumption, not injurious to health, could not be ensured by Excise. The case was well put by the *Indian Health Survey and Development Committee*, which was appointed by the Government of India in October 1943, and of which Sir Joseph Bhore was Chairman. The Committee said:

On the one hand, there is a school of thought that considers that its use should be prohibited in the interests of the individual and of the community. Its consumption, *except in strict moderation*, may damage the *health* of the individual, reduce his working capacity, and thus affect adversely the economic condition of himself and of those dependent on him. It is urged that total Prohibition is in the interests of the individual and of the society because *excessive* use of alcohol is often associated with violations of public decency and with anti-social acts. . . . while the *proportion of those who can exercise sufficient control over themselves and limit its use to moderate amounts as will not cause harm to health is, it is claimed, small.*

On the other hand, there is another school of thought which claims that the *moderate use* of alcohol has its place in modern civilized life, with the continuous stress and strain which it imposes on the individual. At the end of a long and arduous day, a *small* dose of alcohol promotes that relaxation of tension and that sense of well-being and exhilaration which, it is claimed, *can do no harm* to the man and probably *helps* him to readjust himself to the work that awaits him the next day. Under existing conditions there is, indeed, a considerable measure of justification for both these schools of thought. (Report, Volume II, page 474.) [Italics ours.]

It is not easy to improve on this balanced appraisal of the two points of view. But it is important to notice that the *case for Prohibition rested on the presumed impracticability of ensuring individual moderation*, so as to do no harm to health and social decency. The individual consumer could not always be trusted to be moderate. The State could not ensure it either

through its Excise Policy. Even if it succeeds in reducing consumption, which it has not, it can reduce the overall consumption by the whole community but not prevent excessive consumption by individual consumers. The consumer's purse is the limit. The rich and the improvident can drink to excess; the poor and the prudent may have to be moderate. But the very first drink tends to weaken prudence. In the case of Prohibition, the overall consumption of illicit liquor may be reduced, but not the excessive consumption by individuals. Illicit consumption is not necessarily moderate. *Thus, neither Prohibition nor Excise is calculated to ensure moderation in individual consumption. It can be secured only by Individual Rationing.*

14. Economic considerations.—The Bhore Committee made a reference to the economic aspects of the problem. It said :

For certain members of the community, with adequate mental balance to restrain themselves and practice strict limitation on the consumption of alcoholic beverages and with comfortable incomes which makes expenditure on drinks no strain on their financial resources, the deprivation of the desired dose of alcohol after a day's work may well be unjustified. On the other hand, for the many millions in this country who after a day's toil, do not earn sufficiently to keep themselves and their families properly fed, clothed and housed, the provision of a temptation to throw away a part of their wages for a transient feeling of contentment can hardly be considered just either from the point of view of the individual or the community.

The Bhore Committee seemed to favour a discrimination on social and economic considerations, which also underlie rule 7 of the Foreign Liquor Rules of the Madhya Pradesh Prohibition Act. But, as noted already, the Nagpur High Court had invalidated such discrimination as against the Fundamental Rights. *Individual Rationing may be able to meet the social and economic needs of different strata of the community, without violating the Constitution.*

15. Better observance of Individual Rationing.—*Individual Rationing is likely to be honoured by the consumers more readily than Prohibition.* As long as the individual consumer gets just enough to satisfy his harmless needs and habits, he will have little desire to challenge the law or violate it. Most people, including the drinkers, when they are sober, are law-abiding, provided the law does not put too heavy a strain on them. In the Wet areas drinkers are consuming increasing quantities of licit liquor, notwithstanding that much cheaper illicit liquor is available in abundance. It is so largely because of their respect for law. *Individual Rationing will put less strain than Prohibition, and less temptation than Excise.*

16. Better enforcement.—*From the point of view of enforcement, the chances are better for Individual Rationing than for Prohibition.* Most witnesses, and more particularly the majority of official witnesses, approved of Individual Rationing and thought that it was administratively more workable than Prohibition.

17. Rationing familiar.—Furthermore, people have got used to Individual Rationing as a system, thanks to the rationing of food, cloth, kerosene, petrol and other articles during the War and since. Individual Rationing of liquor and drugs would not, therefore, be a new and unfamiliar innovation and is likely to be cheerfully accepted by the people concerned.

18. Evasions inevitable but less.—*No law, not even Individual Rationing would be effective hundred per cent.*—There are bound to be some "ghost cards" and other malpractices and evasions and violations of the law, but perhaps not to the same extent as in the case of other laws, like Prohibition, Excise and food and other controls.

19. Moderation ensured.—*One special merit of Individual Rationing is that nobody can get drunk on it to the extent of indulging in anti-social behaviour, injuring his health or ruining himself financially.*—If anybody wants more liquor than his ration, he can do so only at the expense of another, who will not be too ready to give up his ration.

20. Rationing of intoxicants not new in Madhya Pradesh.—Individual Rationing of liquor is not absolutely new to Madhya Pradesh. Under the Foreign Liquor Rules, each permit-holder is entitled to no more than six bottle per month and not more than two at a time. The system may be extended to other drinks and drugs. Opium also is being rationed.

21. Blatt System in Sweden.—The system of Individual Rationing known as the Blatt System has been in operation in Sweden for several years. It would be worthwhile to depute an experienced officer to Sweden to study the system in operation and suggest its adaptation to Madhya Pradesh and perhaps to India.

22. Anderson Plan.—Several members of the Wickersham Commission in America advocated the Anderson Plan of Individual Rationing as in Sweden. The main features of the Plan were: no free trade for profit; effective control of individual conduct; permit system like rationing; defeat of illegal trade by economic means, by supplying wholesome licit liquor at prices to compete successfully with unwholesome illegal liquor.

23. Individual Rationing.—*We strongly recommend that system of Individual Rationing is better than Prohibition and infinitely more so than Excise. We also recommend that wholesome liquor should be sold to the permit-holders at prices which compete successfully with illicit liquors, and that the individual ration should not be so large as to injure health or social decency, or so small as to provoke supplementary consumption of illicit liquor.*

24. Ration and health.—Individual idiosyncracies and allergies apart, it should be possible to determine, with the help of medical and public health experts, the ration of each kind of beverage which will not be injurious to health and will not lead to anti-social acts. Such ration will prevent excessive and injurious consumption and also excessive expenditure.

25. Uniform policy.—Except perhaps in the aboriginal areas, Individual Rationing should be adopted simultaneously throughout the whole State: indeed, throughout India. Isolated action and scattered Dry islands in Wet areas are most undesirable.

26. Wet areas first.—If, however, for any reason it be not found feasible to adopt Individual Rationing throughout the State uniformly and simultaneously, it should be adopted in the first instance in the Wet half of the State and not in the Dry half, for reform is much more needed in the Wet than in the Dry areas.

27. Fees for permits.—With a view to meeting, partly or wholly, the administrative charges of the scheme of Individual Rationing, a fee may be charged for each ration permit. It should, however, be small, almost nominal, in the case of permits for country spirit and toddy, which are consumed by the poorer classes ; it may be higher for Indian-made foreign liquor and higher still for imported foreign liquor, which are consumed by the richer and more sophisticated classes. The fee for each type of permit should be uniform.

28. High quality and low price.—Liquor should be manufactured in Government distilleries and breweries and stand rigorous health tests. They should be sold in sealed bottles at prices which just cover the costs, and include little or no element of tax or profit. The prices should be so adjusted as to compete successfully with illicit liquor. Lawful individual consumption of rationed quantities of wholesome liquor is very much better from every point of view than the unlawful consumption of unrestricted quantities of illicit liquor of questionable quality. If illicit liquor is sold cheaper than Government liquor, it may be necessary to subsidise the latter to enable it to undersell the illicit liquor and drive it out of the market. This may be a temporary phase. When the consumers get used to the more wholesome Government liquor and dislike unwholesome illicit liquor, the subsidy may be withdrawn. *The only way to defeat illicit consumption is to supply licit liquor at cheaper prices as was suggested by the Central Provinces Government in its resolution No. 8201, dated the 23rd December 1904.* The main and the only consideration with regards the problem of liquor and drugs is that it is a health problem, and should be treated as such. Revenue should be not only subordinate but merely incidental, as incidental as in the case of medical and public health services.

29. Funds for subsidy.—The initial subsidy for licit liquor may be met largely, if not wholly, by the diversion of moneys now spent on the enforcement of Excise and Prohibition Acts. Individual Rationing is likely to call for a much smaller enforcement staff than Excise and Prohibition Acts.

30. Moderation only consideration.—It may be said that if Government liquor is sold cheaply, more people may be induced to take it, and the consumption might go up. There would, however, be no harm in it, because the liquor will be wholesome and not deleterious to health ; it will be individually rationed so that no consumer can get drunk on it and indulge in anti-social activities ; and because each consumer will not have to spend a disproportionate sum of money on liquor due to loss of his power of discrimination and discretion. Indeed, it is no harm if the consumption of liquor approximates to the consumption of, say, tea, coffee, *pan* or sweets. In so far as liquor is not consumed in excess, there should be no objection to an increase in the number of persons who consume it. If more people consume rationed liquor, the more the registration fees that Government will get. But inasmuch as the fee will be nominal, and is paid by the consumer when he is sober and not inebriate, there can be no objection to such revenue.

31. Closed list.—With regards Individual Rationing, two systems may be considered. A certain date may be fixed within which all those adults who wish to have liquor rations, will have to apply. Once the list is closed, no more names may be added thereafter. In course of time, as the ration-holders die off or change their habits, there will be no drinkers left, and full Prohibition will have been achieved. This policy has been advocated and

adopted in the case of opium-smoking in the whole State and of opium consumption in the Dry areas. It was agreed that a list should be made of all those who, on the production of medical certificates, will be issued permits for a limited quantity of opium. When the List is closed, no further names will be added, and as each addict dies, the list tapers off to zero as is happening now with opium-smokers. A similar policy may be followed with regards to the consumption of liquors also.

32. Open list.—The second alternative is, not to close the list, as it were, but allow new people and new generations who wish to consume liquor to apply for permits, thereby perpetuating Temperance, and not seeking Prohibition. This course is, on the whole, better than the former. The former is bound to lead to some illicit distillation and some smuggling as it is not possible to control the production and supply of illicit liquor by police action. There will, however, be less illicit distillation and smuggling in the open list than in the closed list.

33. Reversion to local systems in aboriginal areas.—The Out-still system in the aboriginal areas should be abolished in any event, and the aboriginals permitted to make their own liquor in their ancestral ways, which, we gather, is less harmful than the present Out-still liquor. In so far as individual members among the aboriginals desire it, a ration of Government liquor may be given.

34. Auction v. Salaried system.—The system of auctioning shops should be abandoned in favour of the salaried system, so as to minimise, if not eliminate, the temptation or the opportunity to push up consumption. Liquor should also be supplied in sealed bottles. Consumption should not be permitted in the shops, lest the vendor be tempted to take advantage of the inebriation of the consumer and coax him to take more and perhaps worse liquor. When the liquor is consumed at home, the inebriate is unlikely to return to the shop for another drop of liquor, licit or illicit.

35. Other uses for mahua.—It is further desirable that other and more economic use of mahua should be found, thereby reducing the quantity available for illicit distillation. If trade in mahua pays better than its use in illicit distillation, the former will grow at the expense of the latter use. The prospects of manufacturing from mahua high class liquors for export may be explored, which will give revenue to the State and diminish the quantity available locally for illicit distillation.

CHAPTER XXII.—CONSTITUTIONAL AND LEGAL CONSIDERATIONS

1. Temperance under Prohibition Act.—Notwithstanding that the fundamental objectives of Prohibition and Excise are similar and seek to promote Temperance and prevent excess in individual consumption of intoxicants, Prohibition is not identical with Temperance. In the Prohibition cases which came before them, the High Courts at Bombay and Nagpur observed that the Prohibition Acts were not Temperance Acts. It is true that limitation of individual consumption was secured by the Prohibition Act itself with regard to foreign liquor. Each permit-holder was entitled to about six bottles a month, and not more than two at a time. This ration was not fixed because foreign liquor was in short supply, as in the case of cereals which are still rationed because they are in short supply. It had relation to the

health and previous habits of the consumers, and may be presumed to permit moderation and prevent excess. Thus, Temperance has been secured even under the Prohibition Act. Similarly, under the Opium Act, opium has been rationed, presumably to within healthy limits. Temperance may be secured even under the Excise Act by limiting individual consumption.

Indeed, it was suggested that the purpose of all-round Temperance might be secured by making a liberal use of the Exemptions and Licences permitted by the Prohibition Act itself. Not only foreign liquor but also country spirit and Toddy might be issued in rationed quantities to practically all who ask. This would, however, amount to defeating the Prohibition Act by legal means, by making the exceptions the rule, as it were. But as the American Wickersham Report observed :

Undermining by legal action respect for the fundamental law is quite as destructive of respect for law as the things sought to be avoided. (Page 78).

However legal it may be, it is very undesirable that the Prohibition Act should be used to defeat its avowed purpose. The Indian Constitution speaks of Prohibition and not Temperance. The High Courts at Bombay and Nagpur have emphasised the distinction between Prohibition and Temperance Acts. It would, therefore, be more honest and straightforward to acknowledge that in advancing Individual Rationing to secure Temperance, we are going back on the Prohibition Acts. *It is better to secure Individual Rationing by an appropriate amendment of the Constitution and the repeal of the Prohibition Act.*

2. Individual Rationing and discriminations.—Both the High Courts in Nagpur and Bombay disapproved of some differential applications of the Prohibition Acts in Madhya Pradesh and Bombay, on the ground that they amounted to unreasonable discriminations, and therefore *ultra vires* of the Constitution. For instance, both the High Courts invalidated the discriminations based on social and economic status, and of military service. With reference to the plea that Prohibition should not apply to military personnel because they could be trusted to drink moderately because of military discipline, the Bombay High Court observed :

The consideration appears to us to be wholly outside the scope of the Act. It is not a Temperance Act but a Prohibition Act, and in any event if those who drink moderately are to be allowed to drink, a considerable body of educated and respectable people accustomed for years to western ways of life and who have disciplined themselves to drink in moderation would certainly have to be given permits which they cannot get under the Act.

The Supreme Court, however, in its unanimous judgment of the 25th May 1951, declared the exemption of military personnel from Prohibition as reasonable and therefore *intra vires* of the Constitution. Individual Rationing would supply the necessary sanction for moderation in consumption both for civilian and military personnel and would apply to all adult citizens, and would not be discriminatory and *ultra vires* of the Constitution.

3. Prohibition v. Fundamental Rights.—Some learned witnesses contended that the Prohibition Act itself was *ultra vires* of the Fundamental Rights guaranteed by the Indian Constitution. The Full Bench Judgment of the Madhya Pradesh High Court, dated the 16th April 1951, held the Act *intra*

vires, except for certain parts of it. The Full Bench of the Bombay High Court also held that the Bombay Prohibition Act was *intra vires* of the Constitution, except for certain parts. And now the Supreme Court, in its Full Bench Judgment of the 25th May 1951, held the Bombay Act *intra vires* except in parts.

4. **Prohibition in India and U.S.A.**—It is noteworthy that Prohibition was enthroned in the Indian Constitution itself. The reason for it seems to be different from that which made Prohibition a part of the American Constitution by the Eighteenth Amendment. In America, liquor was a State subject, and the Federal Government had no constitutional power to legislate on the subject. It was found, however, that the several States which had adopted Prohibition could not make it effective because inter-State commerce was a federal subject, and Wet States were defeating Prohibition in the Dry States. It was necessary to confer power on the Federal Government to legislate on Prohibition, while retaining the inherent power of the individual States to do likewise. In India the subject of intoxicating liquors is also a State subject. But inasmuch as the Indian Constitution includes a Concurrent List, the subject of intoxicating liquors might have been included in the Concurrent List, and it would have served the same purpose as the Eighteenth Amendment in America. But our Founding Fathers elevated Prohibition to a more important and conspicuous position by inserting it in the main body of the Constitution.

5. **Directive Principle.**—They, however, made a distinction. Prohibition was included among the Directive Principles, which were unenforcible like, say, the Fundamental Rights, but which nevertheless were 'fundamental' in the governance of the country and which it was the duty of the State to apply in making laws. Speaking on the Directive Principles in the Constituent Assembly on the 4th November 1948, the Honourable Mr. B. R. Ambedkar, the Law Member of the Government of India, said :

If it is said that the Directive Principles have no legal force behind them, I am prepared to admit it. But I am not prepared to admit that they have no sort of binding force at all.

The significance of Prohibition among the Directive Principles was further emphasised by particularising it. Article 47 said *inter alia*, that "in particular, the State shall endeavour to bring about Prohibition". It would seem, then, that among the Directive Principles Prohibition was given a very high, if not the first, place.

6. **Fundamental Rights v. Directive Principles.**—Nevertheless, should there be a conflict between the Directive Principles and say, the Fundamental Rights, the latter must prevail. The Supreme Court, in its unanimous judgment delivered on the 2nd April 1951, in the "Communal G.O., Case" from Madras, observed :

Directive Principles of State Policy, which by Article 37 are expressly made unenforcible by a Court, cannot override the provisions found in Part III which, notwithstanding other provisions, are expressly made enforceable by appropriate writs, orders or directions under Article 32 . . . The Directive Principles of State Policy have to conform to and run as subsidiary to the chapter on Fundamental Rights. In our opinion, that is the correct way in which the provisions found in Parts III and IV have to be understood. However, so long as there is no infringement of any Fundamental Right, to the extent conferred by the

provisions in Part III, there can be no objection to the State acting in accordance with the Directives set out in Part IV, but subject again to the legislative and executive powers and limitations conferred on the State under different provisions of the Constitution.

And it was held by the High Courts of Madhya Pradesh and Bombay that Prohibition did not infringe any Fundamental Right. This has since been, confirmed by the Supreme Court.

7. Repeal of Prohibition.—It has been urged by some witnesses that it was constitutionally open to the Government of Madhya Pradesh to repeal the Prohibition Act inasmuch as Prohibition was only a Directive Principle and not a mandatory obligation. Even if it is not a legal mandate, Prohibition is a *moral* mandate, not less binding on the State than any legal mandate, though it is not open to a citizen to compel the State to introduce Prohibition. It may not be a Fundamental Right of the citizen, but it is still, according to Article 37, a fundamental principle of governance which is the duty of the State to apply. It is the duty of the State to endeavour to introduce Prohibition, but not to relax or repeal it, once introduced. It is a one-way traffic; the State can and should go forward with Prohibition, but it is not constitutionally free to go back on any step, once taken. For the very reason that a citizen cannot compel the State to go in for Prohibition, it is all the more incumbent on the State to take the initiative. A moral mandate should be more scrupulously and zealously respected than a legal mandate, if only because it cannot be legally enforced. This is particularly so in India, by the Indian National Congress which takes the name of Mahatma Gandhi, who was not only as the Father of the Nation, but also the God-Father of Prohibition. The repeal of the Prohibition Act, while Prohibition finds a place in the Constitution, would amount to the nullification of the Constitutional provision. Commenting on a proposal to repeal the Volstead Act, the American Wickersham Report said:

In our opinion, it is even less to be thought of than the repeal of the Amendment. It would not be honest. (p. 76).

8. All-India Commission.—In view of its place in the Constitution, Prohibition is of all-India significance. It is highly desirable that there should be uniform policy and administration, as far as possible, throughout India. The Government of India should therefore, be approached to appoint a high-powered Commission, like a Royal Commission in England, to examine Prohibition from all points of view, including the constitutional, and suggest a uniform policy for India. The sooner it is done the better. Diversity of policies in the States is inimical to their effectiveness.

CHAPTER XXIII.—SUMMARY OF RECOMMENDATIONS

1. Status quo.—We do not recommend the continuation of the *Status quo* under which nearly half the State is Dry and the other half Wet, because—

- (a) It is illogical and demoralising to Prohibit even the moderate consumption of intoxicants as beverages in certain parts of the State on the ground that even such limited consumption was deleterious to individual and social health and was an offence against the State, while permitting unlimited consumption, on payment of due price, in other parts of the same State as if it was healthy and innocent;

(b) It does not seek to ensure individual temperance, whether the liquor be licit as in the Wet areas, or illicit as in the Dry areas; and

(c) It is unfair in that it collects a heavy tax from the Wet areas only and exempts the Dry areas.

2. **Excise.**—We do not recommend the replacement of Prohibition by Excise in the present Dry areas, because—

(a) It would nearly double the consumption of licit liquor. The overall consumption of liquor in the Dry half has been reduced very considerably, perhaps by about eighty per cent, while the consumption in Wet areas of licit liquor alone, not to count illicit liquor, has more than doubled;

(b) It would not make for individual moderation in consumption; and

(c) It would reimpose the heavy Excise tax in the present Dry areas.

3. We recommend that the Excise policy be reformed out of recognition, because—

(a) In practice, it has failed to reduce consumption, but, on the other hand, stimulated it for the sake of profits for Government and the Contractors;

(b) it was not calculated to ensure temperance in consumption, individual or social;

(c) the Excise revenue, collected as direct tax and indirect licence fees, not to speak of the profits of the Contractors, constitutes the heaviest incidence of taxation on mostly the poorest section of the community and collected largely when it is inebriated and intoxicated, and is, therefore, inequitable, inequitous, anti-social and degrading;

(d) Excise taxation was intended to be deterrant, like Protective Duties, to reduce consumption, but has been exploited unconscionably for revenue purpose; and

(e) Excise taxation should be replaced by more equitable and equally fruitful taxes like the Sales tax.

4. **Prohibition.**—We do not recommend the extension of Prohibition to the whole State, notwithstanding that in the Dry areas consumption of liquor had been reduced by nearly 80 per cent and the iniquitous Excise tax was not collected, because—

(a) Prohibition, like any other law, is not hundred per cent effective;

(b) To the extent that it is evaded and illicit consumption takes place it cannot ensure moderation; and

(c) Mostly because Individual Rationing is better still than Prohibition

5. **Individual Rationing.**—We strongly recommend Individual Rationing in quantities which do no harm to individual health or social relations and at prices low enough to compete with illicit traffic, because—

(a) It is better calculated to ensure individual moderation in consumption, which is the aim of most reformers;

- (b) It is likely to be better observed and enforced and less violated than Prohibition or Excise ;
- (c) It would not impose an oppressive tax on the poor, the inebriate and the un-resisting ; and
- (d) It is better calculated to combat illicit traffic and safeguard the health and financial position of the consumers, who are mostly poor.

6. Application of Individual Rationing.—Except in the predominantly aboriginal areas during the next ten years, Individual Rationing should be adopted throughout the State uniformly and simultaneously. If, however, such application be not feasible for any reason, and it becomes necessary to introduce it by stages, it should be introduced in the Wet half of the State in the first instance, and subsequently extended to the Dry half.

7. Fees for permits.—We recommend fees for ration permits be charged, with a view to covering, partly or wholly the cost of administration of the Scheme, and not to produce profits either for Government or the vendors. The fee should be small, almost nominal in the case of country spirit and Toddy, consumed by the poorest ; higher still in the case of imported foreign spirit, which are consumed by the more well-to-do and sophisticated classes.

8. Out-still system and Aborigines.—We recommend that the Out-still system which prevails largely in the aboriginal areas and which has none of the good points of the Contract-supply system and has more than its bad points, should be abolished, and the aborigines be permitted to revert to their traditional home-brewn liquor.

9. Opium and drugs.—We recommend that those who are already accustomed to opium consumption should be given life permits for a weekly or monthly ration, at cost price *plus* administration charges, and that no new permits be issued.

10. Auction system.—We recommend that the system of auctioning the right to manufacture or sell intoxicants should be abolished and replaced by the system of salaries.

11. Health problem.—The consumption of intoxicants should be treated, not as a source of revenue, but as a Public Health problem, as contemplated by the Indian Constitution.

12. Amendment of the Constitution.—As Individual Rationing involves going back on Prohibition enjoined by the Constitution, its introduction should be preceded by an appropriate amendment of the Constitution to permit Temperance.

13. All-India Policy.—We recommend that there should be uniformity of policy and administration in the whole of India, and to that end the Government of India should appoint a highly authoritative Commission to review Prohibition and Excise and make recommendations for the consideration of the States.



STATEMENT SHOWING THE INCIDENCE OF CONSUMPTION PER CAPITA OF COUNTRY SPIRIT IN THE MADHYA PRADESH
(EXCLUDING MERGED STATES) DURING THE YEARS 1937 TO 1950.

Year	Estimated increases in the population													Remarks
	Population in thousands					In-crease per year For years [col. (8) × col. (9)]	Total increase [col. (8) × col. (9)]	Esti-mated popula-tion of the Wet area—distillery area only for the year [col. (6) + col. (10)]	Con-sumption in proof gallons col. (12) × 100 col. (11)	Inci-dence per capita col. (12) × 100 col. (11)				
	Dry area	Out-still area	Distillery area		Total [cols. (2) + (3) + (6)]									
			Urban	Rural								Total [col. (4) + col. (5)]		
													(1)		(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
1937	1,905	1,507	11,906	13,413	15,318	134	6	804	14,217	461,804	3-25	
1938	..	1,361	552	1,507	11,898	13,405	15,318	134	7	938	14,343	500,404*	3-49	*Consumption (estimated) of the area which went dry from the 1st April 1938, viz., 1,140 proof gallons, has been deducted from the actual consumption of 501,544 proof gallons.
1939	..	2,578	266	1,196	11,278	12,474	15,318	124	8	992	13,466	512,757	3-81	
1940	..	3,926	266	1,080	10,046	11,126	15,318	111	9	999	12,125	482,864	3-98	
1941	..	4,168	292	1,185	11,168	12,353	16,813	123	..	..	12,353	514,592	4-17	
1942	..	4,168	507	1,185	10,953	12,138	16,813	121	1	121	12,259	629,642	5-14	
1943	..	4,168	2,796	1,375	8,474	9,849	16,813	98	2	196	10,045	486,170	4-84	
1944	..	4,168	2,796	1,375	8,474	9,849	16,813	98	3	294	10,143	707,916	6-93	
1945	..	4,143	2,951	1,401	8,318	9,719	16,813	97	4	388	10,107	643,933	6-37	

1946	..	4,143	2,628	1,401	8,641	10,042	16,813	100	5	500	10,542	780,905†	7-41	†Actual consumption in the year was 720,331 proof gallons to which the estimated consumption of 3 months (1st October to 31st December 1946) of the areas which went dry from the 1st October 1946, viz., 60,574 proof gallons has been added. Total comes to 780,905 proof gallons.
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These figures are adopted after increasing by 9.8 per cent the figures shown in the annual reports, i.e., the percentage by which the population of 1941 Census increased over that of 1931.

1947	..	8,043	2,260†	1,038	5,472	6,510	16,813	65	6	390	6,900	565,167	8-19	†These figures are adopted after deducting (every year, i.e., during the years 1947, 1948 and 1949), the out-still area figures which were actually converted into supply system during the year from the outstill area of the previous year as shown in the annual report. Figure of 1950 has not been changed as no out-still area in the Madhya Pradesh (excluding the merged States) was converted into supply system.
1948	..	8,043	1,627†	1,038	6,105	7,143	16,813	71	7	497	7,640	554,144	7-25	
949	..	8,043	1,502†	698	6,570	7,268	16,813	72	8	576	7,844	559,653	7-13	

1950	..	8,043	1,502	671	6,597	7,268	16,813	72	9	648	7,916	546,231	6-90	
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NOTE.—Population of the State, excluding that of the merged States, according to the Census of 1931, 1941 and 1951 was 15,318,000; 16,813,384 and 18,656,918, respectively, and the annual growth of population during both the decades 1931 to 1940 and 1941 to 1950 was about one per cent every year.

Transfer

Checked